

# THE CALCUTTA REVIEW.

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## ART. I.—THE STUDY OF COMPARATIVE LEGISLATION IN FRANCE.\*

FOR some years past the study of comparative legislation has been greatly developed in France. Examinations of and discussions on foreign laws are constantly appearing in treatises on the doctrine and the history of law, in special reviews, in legal essays, and in the programmes of open discussions of the Universities of Law, and of the Academy of Moral and Political Sciences. These investigations have all the attraction, all the utility of historical studies. They help us, besides, to rightly appreciate the merits or defects of French law; they throw a light on teaching and doctrine. They serve, moreover, to enlighten the legislator in the recitals of reasons, and the reports of commissions: the laws of different countries are frequently invoked in support of proposals of reform.

These studies have an interest still more practical. Many Frenchmen have their capital engaged in foreign industrial or commercial enterprise. On the other hand there are cases when foreigners can demand the application of the private law of their country of origin, even outside that country, and French tribunals can then be called upon to apply foreign

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\* [We have received this article through Mr. H. A. D. Phillips. It was written by M. Aucoc in French.—ED.]

laws. Works on private international law, which tend to multiply, lead necessarily to the assimilation of a great number of different laws.

It will be of interest to set forth the causes which have produced this movement, the utility of which is self-evident; to ascertain the elements which furnish a solid basis for those studies, and to point out the conditions on which they should be conducted to be really useful, so as not risk the introduction of error in place of light.

It is, assuredly, an instinct, which is applicable and applied to all human knowledge, to look round us to complete our instruction. But the study of the customs, procedure, and rules of all kinds adopted by surrounding countries, is more or less developed according to the greater or lesser facilities for extending our relations, and consequently, our knowledge. The wonderful revolution in the means of communication which characterizes the nineteenth century, ought to bring with it the development of the study of comparative legislation, in the same way as it has advanced judicial and commercial relations among different nations. It has made them feel the want, and has largely contributed to offer the means of satisfying it. Without doubt, Montesquieu was able to collect the elements of his "*Esprit des Lois*" by his travels in various parts of Europe, and his assiduous study of the works of other travellers and of historians. But he has given a model difficult to imitate from every point of view. In order that the study of the laws of other countries should not be confined to a few choice intellects, placed in exceptional circumstances, and that it may be accomplished with some certainty, the text itself of the laws should be placed at the disposal of those who wish to study them, and a translation for the benefit of those jurists and publicists, still too numerous, who are not acquainted with the principal foreign languages.

These essential conditions, which require considerable resources in men and money, permanent institutions, and continuous contact with foreign countries, have only recently been realized; and their realisation is due to the Society of Comparative Legislation and the Committee of Foreign Legislation instituted at the Ministry of Justice. The one, a free association, organized by private initiative, and which is the first in point of time; the other, an official institution, which has powerfully assisted the same work. The one has been working for more than twenty years, the other for twelve. The results of their labours are already sufficiently great to warrant us in giving a summary history of them; and the services which they have already rendered to knowledge are such as to make us hope for still further benefits in the future.



## I

It would be unjust not to mention first the work done in the same direction of ideas by certain worthy jurisconsults, who enjoy the merit of pointing out the way. The collection of foreign codes undertaken in 1833 by Mr. Victor Foucher (afterwards a Judge of the Court of Cassation), consisting of ten volumes, the works of M. Anthoine de Saint-Joseph, which compare the laws of many other countries with French civil and commercial codes, ought not to be forgotten. We must also mention the numerous essays on foreign legislation which the "*Revue étrangère et Française de droit*," and the "*Revue de droit Français et étranger*" have published from 1834-1850 with the collaboration of M. M. Fælix and Bergson. These works had called the attention of jurists to the necessity of extending the horizon of their studies. But they had shown the manifold material difficulties which stood in the way, and would soon stop the action of a few isolated workers in the accomplishment of a task so various and so vast.

In 1869 a Society of Foreign Legislation was formed at Paris. From the first it numbered more than 250 members belonging to the bar, the magistracy, the universities of law, the administration, the Conseil d'Etat and the Chambers. Men of all parties met each other there. The founders, who may now be justly proud of their initiative, had the sagacity to provide in their rules, that the Society would not note on any question. By this was clearly indicated the character it was necessary to preserve, namely, that of an institution for research, and for impartial and strictly scientific study. It took care to affirm this by the choice of its presidents, successively taken from the different elements of its personnel. M. Laboulaye, who was particularly pointed out, by the fact of his being professor of Comparative Legislation at the College of France, was President of the foundation. After him, the Society placed at its head M. M. Renouard, Dufaure, Larombière, Paul Gide, Duverger, Barboux, and Dareste. We had the honour to succeed M. Dufaure. The present President is M. Ribot, who had from the commencement performed the difficult duties of general secretary with the greatest zeal. This character has largely contributed to favour the development of the Society, to extend and consolidate its distant relations. It reckons to-day more than 1,300 members, among whom are about 350 foreigners.

The work which it proposed to undertake was not organized without some gropings in the dark. At first its object was merely to make known and discuss, at the periodical meetings, the legislative reforms which had taken place in foreign countries, and at the same time to note the laws of those

countries on the questions which formed the subject of Bills before the French Chambers. It was already a task as interesting as it was useful, which could furnish the elements of practical reforms, the necessary materials for which could be quickly and easily collected, thanks to the resources of a well-organized society. There was good reason to persevere. Thus, according to circumstances, and to mention only joint works to which many members have contributed, we have collected a considerable number of essays and reviews on the procedure of the Parliaments of Europe and America, and on the laws relating to divorce, mercantile associations, municipal administration and bankruptcy. There is not a new question of any importance raised in foreign Parliaments that has not given rise to an essay and often to a discussion. The collection of the *Bulletins* of the Society, in which this work is recorded, is already very rich in documents of great interest.

But the ambition of the Society has grown with its success, and the steady increase in its numbers and financial resources, and caused it to undertake in 1871 a work still more useful, which has made a name throughout Europe. We speak of the *Annales de Législation Etrangère*. Every year, since that time, it publishes a large volume which contains, for every country in Europe, for many countries in America, and for the civilised countries of the other parts of the world—their number is constantly increasing—a list of legislative projects, and analyses of Bills actually introduced, the text of those which are passed, or at any rate of the most important, with notes taken from the statements of objects and reasons and from the debates in Parliament. This invaluable collection now forms 15 volumes. Since 1882 it has been completed by an Annual of French Legislation. How has the Society succeeded in organizing such a complicated work, in arranging the information which comes from all parts of the world, in translating Acts written in languages so diverse, in publishing regularly an annual abstract, which requires so many fellow-workers? It is well to note this, because herein is the justification of the confidence which these publications have won.

It was at first intended to group the members who wished to take an active part in the labours of the Society in different sections corresponding to the different branches of law. This combination, particularly useful for theoretical studies, was not suited for work in which researches and translations of documents form a preponderant part. It seemed more practical, and experience has justified the resolution, to group the members in sections corresponding to different countries. At present the following sections have been constituted: the



English language, the languages of the north, the southern and eastern languages, and the French language. It is in these sections, under the direction and control of an experienced president, that the documents sent by foreign correspondents, mostly untranslated, parliamentary works, texts of Bills and Acts and newspaper articles and reviews, are studied, analysed, translated and grouped for the *Annuaire*, and then sent to the General Secretary who collates the work of the different sections, under the authority of the Council of Direction. A work so considerable requires at least a year's preparation. The Society has, moreover, by publishing summary abstracts in its monthly *Bulletin*, taken care for some time past not to make its members wait too long for correct ideas concerning the progress of legislative work in the different countries of Europe.

It is needless to say how interesting are the *Annales* of the Society of Comparative Legislation and the Bulletins which complete them, what abundant instruction they furnish to legislators, jurisconsults, publicists, and all those who are interested in the progress of law and human justice. To see how the principles of all branches of law are understood and applied by different nations, what are the reforms which engage their attention, what are those which have a local interest, and those which can be extended to other countries ; to find out if, in the subjects of legislation which are being overhauled by other countries, we are in advance or behind ; to note that, while some nations make rapid progress in the codification of their laws and in numerous reforms, there are others who are prevented by a barren agitation from accomplishing even the most simple and desirable improvements ; to follow, in practice, the modifications of legislative machinery which seemed calculated, by emptying the Chambers, to favour the passing of elaborate codes, to follow more or less closely the detailed discussions which are carried on in Italy, Spain and England ; nothing is more worthy of attention, nothing is more instructive.

Some months ago, the present President of the Society, M. Ribot, announced in his re-opening discourse, that the Council of Direction had decided on the publication of a general index of the contents of the first fifteen volumes of the *Annuaire*. He set forth the importance and the variety of the problems attempted, if not solved, by the legislators of different countries, and traced the main outlines of the preface which might precede the general table in order to extract the leading ideas, the common tendencies which have presided over the legislative evolution of the last few years. We wish we could reproduce those brilliant pages, which place in a strong

light both the merit of the orator and the interest of the works of the Society of Comparative Legislation. But it will suffice to give a brief analysis of them. The facts speak for themselves.

Parliamentary Government is undergoing a veritable crisis in many countries ; almost all free countries are engaged in altering their electoral laws, and in seeking the means of reconciling universal suffrage with the necessary conditions of all Government, namely a certain stability in the executive and a certain continuity in policy.

There has been considerable innovation, and considerable progress—all innovation is not progress—in the civil and commercial law of neighbouring countries. America and England have solemnly recognised the wife's independence of her husband as regards civil rights. New contrivances have been adopted in other countries to assure, in a more efficacious manner, the transfer of immovable property, and we have imitated them to a certain extent in Tunis. Great efforts have been made in many countries of Europe to bring into uniformity the principles of commercial law, notably in the matter of bills of exchange and maritime law ; laws relating to mercantile associations and bankruptcies have undergone constant alteration, and the enormous extension of railroads has given rise to new questions.

On the other hand there have been radical changes in the criminal law of several countries. A general movement has been set on foot for the development of popular instruction. The principle of obligation has been recognized everywhere, but with noticeable differences, due to the varying character of different nations and to their religious conditions. The conditions of military service have been transformed simultaneously throughout Europe. The struggles between Church and State, peculiar to some countries, afford profitable lessons to others. Lastly, the questions relating to labour, the condition of workmen, their relations with their employers, provident and aid societies, have everywhere assumed the greatest importance. These are, as M. Ribot remarked, vital questions which have to be solved without delay, but solved by following the examples of countries where powerful traditions of liberty, and combination by voluntary association, have prevented the conflicts of classes from resulting in open violence, rather than by following those where the State imposes on employers and workmen alike compulsory sacrifices apportioned under its authority.

Such is the variety, such the importance, of the documents which the Society of Comparative Legislation has placed at the disposal of its workers since its foundation. While rejoicing in the success of its work, it has never pretended



that it cannot make further useful progress, and it never loses sight of this object. But the required results attained are already considerable, and are worthy of the attention and gratitude of jurisconsults and publicists. We must add that the Society has, moreover, had the merit of giving rise to other works of the same nature, in which special documents are collected : for instance, the *Revue de la Société pour l'étude des questions d'enseignement supérieur*, the *Bulletin de la Société Générale des prisons*, and the notices of foreign legislation inserted in the Bulletins of the Ministries of finance, public works and agriculture.

## II

At the same time, interesting and instructive as the *Annals* and the *Bulletins* of the Society may be, they are far from making known in their entirety the legislation of foreign countries. Taking up with reason what is most urgent, and wisely adapting to its strength the task which it has assigned itself, the Society has only undertaken to give the texts of the laws, starting from the year 1870. And even when it has met, among the laws promulgated in different countries, codes embracing all the rules of one particular branch of law, it has recognised the impossibility of inserting these lengthly documents in an annual publication without sacrificing a part of the general review of legislative progress in the civilized world.

To complete its labours and to furnish to its workers means of more extended action, it had to create a vast library on foreign law, comprising a complete collection of the laws of the different countries of the world in their original text, the parliamentary works which explain them, the stores of jurisprudence which interpret their application, the historical works of law, and the commentaries of the best known jurists of each country. It had, besides, to undertake a collection of translations of foreign codes ancient and modern. The resources of a private society were not sufficient for this task, which has been provided for by the creation of the Committee of Foreign Legislation at the Ministry of Justice, with an annual grant from the public funds.

It was M. Dufaure, whose name we recall with pleasure, one of the first members of the Society and one of its presidents, who founded it by a ministerial decree of the 27th March 1876. He has taken care from the commencement to organize official relations between the Committee and the Ministries of Justice of different countries of Europe, and to ensure a regular exchange of legislative publications. The new institution has been approved of by the Chambers, and endowed with the annual grant proposed by the Government.

The Committee, on which are several members of the Institute, first set to work at its library. In 1879 it had already collected, thanks to the liberality of several foreign Governments and to acquisitions made on the advice of its correspondents, 1,500 works, comprising 5,000 volumes. It then published the catalogue which has been in great demand throughout Europe. Since that time it has not ceased to augment its collection. It is about to increase and emphasize its value by the immediate publication of a new edition\* of the catalogue, in which will figure more than 4,000 works comprising about 18,000 volumes. The first part of the catalogue is devoted to general matter, to the philosophy of law and ancient law; then comes international law, followed by comparative legislation; the last part, the most extensive, comprises the text and special works on the legislation of foreign countries. There are more than 200 of these. All the States of Europe and America are largely represented. The civilized States and Colonies of Asia, Africa, and Oceania have also a place. We have no need to insist on the importance of such a collection. It is open to the public, who have already derived great profit from the riches placed at their disposal. Several Governments of Europe have been struck by the advantages which it gives, and have sought to create a similar institution.

At the same time the Committee has decided, with the approbation of the Ministry of Justice, on the publication of the translations of a certain number of foreign codes which appear to it to have a particular interest, whether from a scientific or a practical point of view. It has come to the conclusion that, to have a lasting utility, the translations should be thoroughly studied and accompanied by introductions and notes, clearly pointing out the principal features of anterior legislation, the preparatory work for new codes, and the character and the objects of amendments made in old laws.

Moreover, although the Society of Comparative Legislation has furnished the committee with excellent assistants, it has proceeded more slowly in the accomplishment of this part of its task. Nevertheless, the publications which it has edited already offer interesting types of legislation on various branches of law. The German code of commerce, with the law on exchange, and several of the new codes promulgated since the establishment of the German Empire; the code of criminal procedure, the code of judicial organization, and the code of civil procedure; two volumes of a collection of the charters and constitutions of the United States of North America, which will be continued; the penal code of

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\* [An article by Mr. H. A. D. Phillips on this new catalogue appears in this number.—ED.]



Holland and the Hungarian penal code appear in this collection. To this must be added the Austrian code of criminal procedure published with the help of the Ministry of Justice before the creation of the committee. The English law on bankruptcy will be published before the end of the year. Translations of various codes of Austria, Russia, Italy and Spain and Portugal, and of the various States of America, are either in the press or in course of preparation.

These are the materials accumulated and placed within the reach of all those who have embarked on this new study, impelled by disinterested zeal for science or legislative reform, or by the practical necessities of their profession.

### III.

Let us note, in conclusion, the conditions under which the study of comparative legislation ought to be conducted to render it really useful.

It is not superfluous to insist at the outset on the precautions which should be taken to get a thoroughly exact translation. It has been recently brought to notice, that some serious errors had crept into the French translation of the Federal Constitution of the United States of America, errors, which have been constantly reproduced since the publication of the celebrated work of M. de Tocqueville. Mistakes of this kind may be caused by mere want of attention; but they are more often due to the actual difficulties of the work. To enable one to translate into our language the provisions of foreign laws, one must thoroughly know the provisions and the language of French law, and penetrate thoroughly into the sense of the foreign law, as a whole, and in its details. It is only after profound study that one finds the judicial terms which exactly express ideas often dissimilar to ours. But we must take more precautions still to assure ourselves of the true import of institutions which we wish to compare with ours, before deciding if they are better and deserve imitation. We must seek out the motives which have inspired the foreign legislator, the needs for which he wished to make provision, and the difficulties which sprung from prior legislation, owing to the state of society, or the economical and moral condition of the country.

Before becoming enamoured of the advantages of some detailed measure, we ought to ascertain carefully, whether it does not form a part of a collection of institutions essentially different from our own; for it is seldom that a detached piece of a machine can be fitted on to a machine of a totally different kind. And that is not all. It is not sufficient to say that a law, inspired by motives that appear just and applicable to other countries, has been passed by a foreign legislature. We

must also study how it has worked in practice, and what have been its effects. The French have often been blamed for having too much confidence in their own lights; but it would be equally unwise to go to the opposite extreme of absolute distrust, and see nothing but the good side of foreign institutions. The Legislators of all countries may make mistakes, and their resolutions are very often enough corrected by fresh ones: sometimes, even, practice modifies them in an appreciable manner. In the remarkable studies which they have recently devoted to the Federal Constitution of the United States of America, our colleagues, M. Boutmy and M. le duc de Noailles have shown by what series of deviations the position of President of the Senate and of the House of Representatives have come to differ from that assigned them by the text of the constitution.

We have just now pointed out the incessant alterations undergone by the laws on mercantile associations in neighbouring countries as well as in France for the last thirty years, and which prove, that as yet, the results have by no means satisfied the expectations of their promoters.

At the present moment the French Chambers are discussing a project of law of great importance, which raises questions of great delicacy, regarding the responsibility for accidents to which workmen are exposed during their work. The laws of the Empire of Germany, of Austria, of Switzerland, each differing from the other, have been quoted in reports and parliamentary debates. But alongside with the principles laid down by these different legislatures, it is necessary to place the effects which they have produced. Although the laws of the Empire of Germany are very recent, experience has already shown the absolute inaccuracy of the calculations presented to the Chambers in support of projects of law, with a view to show the probable expense which would fall on the employers, and indirectly on the State, owing to the system of obligatory insurance; the expense will be much greater than was supposed. Moreover, the costs of administration are enormous, and exceed the total of the indemnities. Herein is food for reflection.

We may confine ourselves to these examples. They sufficiently demonstrate that the study of comparative legislation furnishes us with an invaluable tool, but that like all others, and especially the best, it must be handled with judgment and sagacity.

LÉON AUCOC,  
*Member of the Institute,  
and President of the Committee of Foreign Legislation.*



## ART. II.—THE HISTORY OF ISRAEL.\*

( *Independent Section.* )

VOLTAIRE, in his "*Candide*," relates how a Chinese traveller, curious to know the opinion of Europeans on the *casus belli* which led to the famous war, or series of wars, between the Chinese Empire and Cambodia, some six thousand years ago, went into the shop of a Parisian publisher, and asked for a work on Universal History. To his surprise he found its opening chapters devoted almost exclusively to the affairs of the Jews, a nation of whom he had till then never even heard. His surprise was not diminished when on enquiry he learnt that the Jews were an ancient people, numerically weak and politically insignificant, who had occupied a corner of Syria some two thousand years ago, and whose authority or political influence had never extended beyond their own borders. Nevertheless, this insignificant people has, through the medium of religion, attained a vast importance in the eyes of mankind, and exercised a potent influence on the history of nations which are at the present time the most powerful and the most progressive in the world.

Three nations of the ancient world, says M. Renan, have stamped an indelible impress upon our modern civilization. The Greeks have bequeathed to us their legacy of science and art, the Romans their policy and jurisprudence, and the Jews their religion. It is true that the religion of the civilized world is not now the same as the religion of the Jews : it has departed so widely from the spirit of its predecessor that it is now even opposed to it. Judaism, which has developed into Islamism among the Semitic Arabs, has, among the Aryan nations of Europe, been metamorphosed into Christianity. Yet, though this latter originated in a revolt against the grievous burden of the Jewish ceremonial law, it carried with it among its Gentile neophytes the belief in the inspiration of the Jewish scriptures, and the Messianic idea. These beliefs and ideas had a considerable influence in moulding the religious, and, therefore, the political history of Christendom during the first ten centuries of the Christian era, and again at the time of the Reformation. This latter movement, which has proved such an abundant gain for the cause of truth and progress, was chiefly brought about

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\* "History of the People of Israel from the reign of David up to the capture of Samaria" : from the French of Ernest Renan : Second Division : London : Chapman and Hall, Limited, 1889.

by the translation and circulation of the Jewish scriptures recognised by the Christian Church among the people of Europe, and their consequent adoption as the guides of faith and conscience in supersession of the decrees of Councils and the canons of the Church. The major part of these scriptures were contained in the so-called Old Testament, consisting of the national literature of the Jewish nation, and written in the Hebrew language. This Hebrew literature exercised a powerful influence on the nations which succeeded in carrying out the Reformation, and has left its traces in their political and social systems even to our own day. Scotch and English Sabbatarianism is a familiar instance.

It has so long been the custom for Christians to regard these scriptures as one book, that it is now difficult to realise that they really comprise distinct series of different books, by many authors, treating of widely differing subjects. But they are only commonly known to European nations by the translations of them made at the time of the Reformation, and these translations have given the separate books an identical style and expression which they do not in reality possess. We might as well bind up the poems of Shakespeare and Chaucer with the chronicles of Hall and Holinshed and the works of Bacon and call the compilation one book. The Jews themselves do not consider the Old Testament to form one book, and assign a different value and authority to the separate books or series of books comprised in it, rating the Law (Tora or Tavrát), the Psalms (Zabur), and the Prophets (Sahífá-i-Anbiyá), above the historical and narrative books; and the Musalmáns observe a similar distinction, classing the Pentateuch and the Psalms with the Gospels and the Koran, while they look upon the books of the Prophets and the Epistles of the Apostles in the same light as Christians regard the Jewish books of the Apocrypha. The Old Testament simply comprises all the literature of the people of Israel that has survived down to the time when Asia became so permeated with the Grecian civilization that the Greek language superseded Hebrew in common use. The earliest series is that of the five books of the Pentateuch which, commencing with the creation of the world and the origin of the nation of Israel, carries its history down to the death of its leader, Moses, to whom the Divine Law was delivered. The historical books of Joshua, Judges, Samuel, Kings, Chronicles, Ezra and Nehemiah carry on the national history from the first settlement of the Israelites in Canaan till their re-establishment there by the Kings or Emperors of Persia: to them may be added the books which contain the stories of Ruth, Esther, &c., though these can hardly be regarded in the light of actual history. The



poetical and proverbial books form a class by themselves, presenting the usual vague features of ancient oriental compositions of the kind: and the fourth division comprises the books of the Prophets, for the most part declamations of the wrath of God against the sins and shortcomings of the people and their rulers, and threats of the divine vengeance—sometimes directed against Israel itself, often against neighbouring nations, together with predictions of final triumph for Israel and Judah, and of the discomfiture of their enemies. These prophecies contain little actual historical fact, though much information may be, and has been, gleaned from the interesting allusions scattered through them as to the state of the surrounding nations, as well as to the internal affairs of the people of Israel; but the series of the historical books from Joshua to Nehemiah contain an almost unbroken narrative of the political history and wars of the Israelites during a period of nearly one thousand years, from the first appearance of the wandering nation on the frontiers of Canaan, to the re-building of their temple under the auspices of the protecting Persian Government. When we reflect that this long and authentic narrative ends at the time, or about the time, when Tarquinius Superbus was dethroned at Rome, and the Pisistratidæ were driven from Athens—that is, at the very time when the history of Rome and Greece, in any trustworthy sense of the word, may be said to begin—we may form some idea of the value and importance of these records, and may cease to wonder with Voltaire's celestial, at the place and space awarded to Jewish annals in a Universal History of the ancient world.

The second division of M. Renan's work, contained in the volume before us, treats of the kingdom of Israel and Judah from the accession of King David to the capture of Samaria by the Assyrians and the captivity of the ten tribes. His first volume dealt with the story of the Patriarchs, the captivity of Israel in Egypt, the flight from that country, and the conquest and colonization of the Promised Land. Before proceeding to a more particular review of the contents of the present volume, we may as well give a summary of the author's views on the earlier narrative. M. Renan aspires to perform for Jewish history the same office that Niebuhr performed for Roman history: to crystallise the truth and to set it free from the mass of legend and fable enveloping it: to discriminate between the additions caused by simple exaggeration, and those dictated by wilful misrepresentation: in short, to apply to the sacred history of the nation of Israel the same principles of rational explanation and scholarly criticism which have been so successfully applied to the histories of other nations

of antiquity. When we read our Livy, we peruse the account of Hannibal's battle with the Romans at the lake Trasimene, and believe it implicitly, but when on the next page we learn that upon a certain day in the grass-market at Rome, an ox spake with a human voice, we pass over the statement with a smile. Our critical faculty enables us to perceive that Livy may be safely trusted in his description of actual events, and that his credulity in the matter of omens and portents is only the common habit of his age. So, from reflection and experience, the critic learns to separate the truth of ancient legends from the embellishments which the credulity and fancy of their reciters and auditors heaped upon them in an age destitute of the art of writing. M. Renan infers from internal evidence that writing was unknown to the Israelites until the time of Samuel. He holds that all the stories contained in the book of Genesis were myths which grew up by degrees among the Beni-Israel, and were naturally incorporated with their history when they wished to trace this back to the beginning of the world. According to his hypothesis, the Semitic tribe of the Beni-Israel probably migrated from the banks of the Euphrates (Ur of the Chaldees to Palestine, and from thence passed into Egypt during the period that a kindred Semitic race bore sway in the valley of the Nile: the race known in Egyptian annals as the Hyksos or shepherd kings. After the overthrow of the shepherd dynasty, the Beni-Israel were reduced to slavery by the Egyptians, or at all events oppressed and ill used by them, till they were driven to migrate again to their former seats. Deterred from the direct route, by the formidable power of the Philistines which barred their path, they made a long detour through the Arabian desert and entered their promised land on its eastern frontier, falling with merciless ferocity upon their kindred tribes who had, during the long absence of the new-comers in the land of Goshen, adopted a settled and partly civilized life, as the Israelites themselves afterwards did in the same country. In spite of the genealogy of the tenth chapter of Genesis, M. Renan asserts that the Canaanites of the seven nations or tribes dispossessed by the Israelites as well as the Phœnicians were of Semitic race, of the same race as their ruthless conquerors; and that this is proved by their nomenclature, and by the gradual absorption of their remnants into the Israelitish nation. It has long been admitted that the Phœnicians of Tyre and Sidon were Semites, and the title borne by the magistrates of their Carthaginian colony was Suffetes, probably the same term as the Hebrew Sofet used to denote the Judges of Israel during the theocracy. But whoever the Canaanites were, it would appear from their dwelling in fenced cities, and being in



possession of chariots and horses, that they had already attained to some kind of civilised state, when their further development was arrested, and their national existence utterly destroyed by the inroad of the fanatical warriors of the desert who followed the guidance of Jehovah. The land was parcelled out among the victorious tribes ; but a considerable number of the vanquished nations continued to exist here and there, as tributaries or as small independent communities, in strong natural positions, such as that of the Jebusites at Millo, or where the open plains prevented the Israelites from attacking them to advantage : for it is observable that the armies of Moses and Joshua were composed entirely of infantry, and they chose hilly countries by preference as the scene of their operations. Hence we have that naive passage of the Hebrew chronicle in the Book of Judges, Chap. I., v. 19 : " And the Lord was with Judah, and he drove out the inhabitants of the mountain ; but he could not drive out the inhabitants of the valley, because they had chariots of iron."

So in First Kings, Chap. XX, the Syrian officers say to their King Benhadad that the gods of the Israelites are gods of the hills, " therefore they were stronger than we : but let us fight against them in the plain, and surely we shall be stronger than they." And David in his lament over the death of Saul and Jonathan, bewails their death upon " the high places," the slaughter of Israel upon its friendly heights. But as the power of the Israelites grew, and their tribal republic became gradually consolidated into a kingdom, these remnants of the Canaanites disappear from history, probably absorbed into the nations of their conquerors and masters. We hear no more of them after the reign of Solomon. From being a wandering tribe, the Beni-Israel now became a nation, settled in a territory of its own. Its political constitution was that of a tribal republic : a confederation of the twelve tribes which composed the nation. The sacred Ark of the Covenant, under the charge of the priesthood, formed a central rallying point for the whole nation, but there was no settled Government or appointed head ; the people believed themselves to be governed directly by God, whose will was discovered and His intentions divined by the consulting of oracles, very much as was the case among the Pagan nations at the time. The instruments of these oracles were the Urim and Thummim and also Teraphim (Tarafain ?) and the nature of them has not been clearly determined.

As a matter of fact the Government of the confederacy was assumed by the bravest and cleverest of the leaders whom success over the national enemies had glorified in the eyes of the people : and the precarious position of Sofet or judge was held in turn by a woman like Deborah the prophetess, a

soldier of fortune like the usurper Abimelech, and a righteous seer like the priest Samuel. Many of these had only local authority, and their pretensions were opposed by other tribes, as in the case of Jephthah in Gilead.

Judging from the accounts of the Israelite scribe, and even allowing for the exaggeration natural to the stories of all heroic times, the four hundred years of the theocracy seem to have been one continual scene of anarchy and bloodshed.

The retort made by the philosopher of M. Renan's school to the French Abbé was not without justice ; when the latter was declaiming against the Republican form of Government. " Alas " said he " how inadequate is mere human wisdom to devise a satisfactory system of governing mankind ! " " And the theocracy " retorted the philosopher " was it such a brilliant success ? History hardly records a more melancholy series of crimes and disasters than is presented by the annals of the Hebrew people in the Book of Judges. "

Jehovah, the god who thus ruled them, was at that epoch by no means the universal and only lord of creation, as he became in later times. He was the national god, as Chemosh was the god of Moab, Baal the god of Sidon, &c. A belief in Jehovah by no means precluded a belief in the existence of other gods. Thus Jephthah says to the king of the Ammonites—"Will thou not possess that which Chemosh thy god giveth thee to possess ? So whomsoever the Lord our God will drive out before us, them will we possess." Jehovah was spoken of by his own worshippers as " a great God above all gods. " In the earliest writings of the Jews, God is often spoken of in the plural : Elohim. The Christians explained this plural expression as a reference to the persons of the Trinity : but the ancient Israelites were certainly profoundly ignorant of any such dogma, of which there is not a trace anywhere in the Old Testament except the plurality of gods referred to which arose from far different causes. The Semitic races, like all the other races by whom the world was peopled in those early times, believed in a plurality of deities : probably the Arabs at the time of the mission of Muhammad held still very much the same belief as the early patriarchs. The Beni-Israel claimed to have become acquainted with their god by his name Jehovah at the time of their departure from Egypt. He revealed their law to them from Mount Sinai or Horeb which seems to have been regarded as his especial residence, as Mount Olympus was that of the Grecian Jupiter. He is accompanied by thunder and lightning like that deity, and he delights in burnt offerings and sacrifices like all the other gods of the time, and like many of our gods in India at the present day. But he has two attributes which seem peculiar to himself. He is a



jealous God, and will not admit of any partner in his worship. Nor does He allow any images of Himself. His presence (Sakínat) was supposed to brood over the Ark between the Cherubim, and He had a corporal presence, for he allowed himself to be seen on one occasion by Moses : but he refused to allow himself to be un-idealized, and this fact had doubtless much to say to the subsequent exaltation of the idea of God among the Israelites, and to His recognition as the supreme creator of heaven and earth. M. Renan points out many curious instances of the local character of worship in these primitive times. One superstition was, that a god could only be worshipped on his own soil : hence Naaman takes two mule loads of earth away from the land of Israel that he may worship Jehovah at Damascus. And he even obtains permission from the prophet of the most jealous of gods to occasionally worship in the house of Rimmon the god of the Syrians.

The Beni-Israel occupied the land of Canaan for about five hundred years before the confederation of tribes developed into a kingdom. During all this time the nation must have been growing, consolidating, absorbing the conquered Canaanites, and probably gradually extending its own borders ; for the strength which enabled it to expand into a compact and powerful kingdom under David and Solomon must have been gradually acquired. However charming the ideal of a theocracy may appear to the adherents of Popes and Khalifas, the children of Israel seem to have become dissatisfied with it after a lengthened trial, and they determined on the election of a king, not without opposition from Nabi Sámwíl (the prophet Samuel), who represented the opposition of the old conservative party of the nation to any centralisation of the national power. This conservative party was always very strong among the Israelites, for its feelings and aspirations thoroughly harmonised with the genius of the Semitic race : it had its best representatives among the prophets, whose ideal golden age was the age of the patriarchs, the nomad dwellers in tents, whose wealth was in their flocks and herds, and who were careless of the luxuries and untainted by the vices of oriental civilization. They were revolted by the wealth and luxury of Egypt, of Babylon and of Tyre, as a Bedouin Arab or Wahabi fanatic of the present day is revolted by the effeminacy and vice of Turkish cities. They hated trade, usury, soft raiment, horses and chariots. They detested progress of any kind ; and though they were hurried along on its stream in spite of themselves, they succeeded in impressing on the nation that stamp of election and isolation, which, while it contributed so much to its glory, proved an effectual bar to its material prosperity.

The determination of the people of Israel to change their

confederation of tribes into a kingdom was probably caused by the necessity of providing efficient protection against the organised attacks of their most dangerous and most hateful neighbours, the Philistines, who dwelt in five strong cities on the south eastern sea coast of Palestine. The Israelites were no seafarers. They did not even occupy the sea coast of their country. They dwelt in the hills and valleys, and by degrees extended themselves into the plains; but the sea coast was in the possession of two powers with whom they were unable to cope—the Tyrians in the north and the Philistines in the south. With the former they appear to have scarcely come in contact, and generally to have had friendly relations with them; but the Tyrians were themselves a Semitic people. The Philistines, on the other hand, were probably Aryans, very possibly Pelasgians from Crete. In the ethnology of Genesis the Philistines are set down as Hamites, Misraim begetting “Pathrusim and Casluhim (out of whom came Philistim) and Caphtorim:” Gen. X, v. 14. Of Casluhim we never hear again, but Caphtorim is several times mentioned in connection with the Philistines, and the prophet Jeremiah speaks of ‘the isle of Caphtor;’ perhaps Kupros, Cyprus.

Elsewhere we read of the Cherethites or Cherethim as forming part of the Philistines, and M. Renan plausibly suggests that Chereth may be indentical with Crete, which had already become famous under Minos. He thinks that the Philistines were “a people of Carian or Cretan origin, very analogous to the Pelasgi, and having certain points in common with the forces which besieged Troy.” They were called “uncircumcised” by the Israelites, a term of reproach never applied to the Egyptians, Canaanites, or any other oriental nation. From the history of their exploits, they seem to have been superior to the other enemies of the Israelites, and to the Israelites themselves in military skill and discipline; and their use of archers in battle would afford another proof of the likelihood of their Cretan derivation, for the Cretans were famous archers. Goliath, the Philistine champion, wears the brazen greaves, which were a familiar article of the Greek military equipment, and which are never again mentioned in the Old Testament. The Philistines worship a maritime god; and M. Renan suggests that the name of Achish, the Philistine king or lord of Gath, sounds like a Greek word. On the other hand the assertion in Genesis that the Philistines were of Hamitic origin counts for little: the names of the ancestors of the Philistines and Greeks, Philistim and Javan, have apparently been merely invented by the Hebrew chronicler as an explanation of the names of these nations. The word Javan or Iawan was the Hebrew rendering of the word Ionian, known to them principally through the



Grecian colonists in Asia Minor. Iawan was then personified as a son of Japhet the father of the Aryan races. The Hebrew chronicler perhaps may have attributed to the Semitic Canaanites and the Aryan Philistines an Hamitic origin, on account of the enmity borne by his people to these two nations ; or he may have erred simply through ignorance or carelessness. Oriental writers are not very safe guides in matters either of history or ethnology. The invention of persons and events to fill up awkward gaps in chronology has been freely practised by Arabic and Persian historians. The total omission of the Mongolian race from the ethnological table of Genesis would be sufficient evidence of its untrustworthy nature. In it, Sidon is also made a son of Canaan, though it is indisputable that the Sidonians were of Semitic blood, and, as we have before said, probably the Canaanites also.

Their oppression by the Philistines seems to have made the Israelites feel their own want of centralization and organization very keenly, and determined them to elect a king who might lead them in battle : and we read that "there was sore war against the Philistines all the days of Saul," and he was at last defeated and killed by them. David took refuge from Saul among the Philistines, and appears to have profited by their warlike skill, for when he ascends the throne of Israel we find in his service bands of "Cherethites and Pelethites" which M. Renan translates as Cretans and Philistines. In addition to these, David had a band of six hundred Gittites, or men of Gath in his service, commanded by Ittai the Gittite. "The primitive Aryan soldier," says M. Renan, "equalled the Hebrew or Arab Semite in valour, he surpassed him in fidelity, and he was essential for the solid foundation of any rule."

David immediately after his accession to the throne was engaged in war with the Philistines, and gained some advantages over them. For the rest of his reign we hear no more of enmity or hostilities between the Israelites and Philistines : yet it does not appear from the sacred narrative that David ever subdued them, that he ever took one of their cities, or that he even carried the war into their country. Probably some composition was come to equally satisfactory to both nations : the employment of Philistines as soldiers by David and his successors may have proved a bond of sympathy. At all events, after this time the Philistines, while still maintaining their separate existence in their five military cities, and occasionally proving disagreeable neighbours, cease to be a permanent danger for Israel. They appear again and again in Jewish history as late as the reign of Hezekiah. Their independence was, along with that of their old enemies the Israelites, finally swallowed up in the growth of the Assyrian and Persian empires.

M. Renan believes that the reign of David forms the epoch where the traditional history of the Israelitish people ends and their real history begins. There are many passages in the life of David which appear to have been written by eye-witnesses of the facts. In the whole remarkable story of Absalom there is not a single miraculous occurrence. David was no doubt a most remarkable man for his time, and the greatest that his nation had yet produced : a brave soldier, and not only brave but clever : and a politic ruler. He identified his own interests with that of the national religion, and adroitly managed the priests, instead of being managed by them. In Israel and Judah, as in most other primitive countries, the priests were the literati, the *ulema*, and the national history comes down to us through their medium. We may therefore expect to find the monarchs who favoured and protected the priestly caste spoken well of, while those who, on the other hand, resisted their pretensions are handed down to posterity as wicked tyrants. Saul was probably a nobler character than David : but he had the disadvantage of supplanting the family of the prophet Samuel in the temporal power. And though a brave warrior, he was not a wise or politic man. David was, on the contrary, as crafty as he was bold. He knew how to condone even such a sin as eating the holy shew-bread, which would have counted enough to ruin any one who was less pronounced a favourite of Jehovah. He was, we are told, a "man after God's own heart : " I. Sam., Chap. XIII., v. 14. Yet, in our modern eyes, his moral character was full of blemishes from first to last. Observe, as one out of many instances, the vile motive of his treachery to his brave captain Uriah the Hittite. We shudder when we read of his dying bequests to his son and successor Solomon, whom he instructs to slay the men whom he would not himself slay in his own life-time because he had sworn to spare them ! M. Renan calls these executions or murders "atrocities." But we must take care not to judge an ancient Semitic race and their deeds by a modern and Aryan standard of conduct. Our press writers are now in the habit of speaking of the Amir's executions at Kabul as "atrocities." But they are not atrocities in the eyes of the Afghans, nor would David's delegation of his deferred vengeance appear to them unreasonable or immoral. Arminius Vambéry narrates some similar anecdotes in his History of Bokhara, of the petty rulers of Central Asia going out of their way to keep a vow to the letter, while they break it in the spirit ; conduct which he calls "detestable Musalman hypocrisy," but which appears admirable and worthy of imitation to an oriental scribe. We must bear in mind all through the historical Hebrew writings, that the morality inculcated is the morality of an oriental and Semitic



race : the code of morality which still, with little variation, sways men's minds and actions in Kabul and Bokhara.

"Kissas" or retaliation, slavery, polygamy and concubinage were all lawful to the Israelite. He believed himself to be the chosen favourite of God, Who regarded all other nations with enmity and aversion. Crimes committed against aliens and Gentiles were no crimes, but rather meritorious deeds. The idea of universal brotherhood and of absolute right and wrong were quite unknown to him. It was only later on that the prophets developed the idea of a universal and inflexibly just God, who would bring all nations into one fold.

The fruits of David's work were reaped by Solomon or Sulimán, his son, who, in point of power and glory, surpassed his father, probably because he profited by his labours. He had a regular government ; an organised army, with chariots and horsemen ; and the whole land of Israel was divided into twelve districts for the purposes of taxation, with the primitive arrangement that each district should furnish the supplies for the king for one month in the year. The Jewish scribes have done their best to magnify the wisdom, the glory, and the power of Solomon, so that he has come to be regarded in the East as a universal emperor : and a wonderful Sulimanic myth has grown up, and has become, with many other stray bits of Biblical and Talmudic lore, part of the sacred book of the Moslem revelation. The Musalman myth of Alexander the Great is another similar and familiar instance of the falsification of history. Solomon was no doubt a king of wonderful wealth and might in the eyes of the Israelites : he possessed ships, sent and received foreign embassies, and was in alliance with the King of Tyre : but after all, his kingdom must have been a very petty one according to our estimation. It has left no trace, at all events, in profane history. Its great achievement was the building of the temple at Jerusalem, which, to a great extent, localised the worship of Israel, and changed, in course of time, the old patriarchal worship of Jehovah to a ceremonial religion with an elaborate ritual and a gradually consolidated dogma. The temple of Jerusalem supplied a rallying point to the nation, which enabled it to re-assemble after its dispersion, and to maintain its separate existence under difficulties that may well make the fact of its preservation appear miraculous. After Solomon's death the schism which had always existed between the two branches of Jacob or Israel's family, broke out with such violence as to become irreparable ; and the ten northern tribes separated themselves from Judah and Benjamin. The establishment of the temple was probably an additional cause of this separation, for the idea of the God of

the patriarchal nomads dwelling in a house like the gods of the more civilised heathen nations around them, was at first repugnant to the feelings of the conservative Israelites. (See the Second book of Samuel, Chapter VII, v. 4 and following.) Tribal jealousy had much to do with the secession also, for in the time of the Judges, the chief centres of religion had been in the land of Ephraim. The breach could not be healed, and the ten northern tribes had to elect a king for themselves. The prestige of David and Solomon retained their dynasty on the throne of Jerusalem as long as the kingdom of Judah lasted ; but in the northern kingdom, dynasty succeeded dynasty in the usual fashion of oriental kingdoms. The Royal House of David continued to rule for four centuries and a half : a space of time equalled by but few eastern dynasties, and surpassed by none except the Imperial House of 'Othmán, which has now lasted for six hundred years in a direct line from its founder, and may challenge comparison with the oldest European royal houses, such as those founded by the Capets and the Hapsburgs.

The prophets waged unremitting war against the eclecticism which had apparently always prevailed in Israel from the earliest times, and which was a common feature of all the religions of that epoch. They had grasped the monotheistic idea of worship so peculiar to the Semitic race, and which distinguishes its religious beliefs from all others. No nation of Caucasian race was ever unitarian in religion : the Aryan is a born man-worshipper. If he does not worship deified men, he will worship gods incarnate in the flesh. No Aryan race has ever sincerely embraced orthodox Islamism. The Bosniak and Albanian Musalmans adulterate their faith with saint-worship : and the Aryan Persians have become the heretics of the Muhammadan world, honouring in Ali, the son-in-law of the Prophet, a perfect type of humanity. The Semitic Hebrew and Arab stand alone in their cult of a sterile and sombre monotheism. Inspired by this sublime idea the Hebrew prophetic zealots "continued, during many centuries, to inculcate the same doctrine of a righteous Jehovah, the protector of the right, the defender of the weak, the destroyer of the rich, the enemy of worldly civilization, the friend of patriarchal simplicity. The prophets were indefatigable propagators of this idea." Hence we have the twelve Hebrew books of the prophets, the *Sahífa-i-Anbiyá*, which alone have survived out of all the lucubrations of the seers of Israel for so many centuries, and which doubtless contain the choicest of their utterances.

The Messianic idea, which afterwards took such a firm hold upon the Jewish nation, is gradually developed in the



predictions of the prophets. As the Israelites gradually admitted the idea of one universal God of creation, whose chosen people they still were, their subjugation and oppression at the hands of the heathen became yet more inexplicable to them. As long as they were triumphant and prosperous their faith received no shock, but at length it became apparent to them that their national existence was seriously threatened, and that the heathen had gained a position of incontestable superiority. In short, the promises of God to them were not fulfilled. Yet they must be true! Hence the people reconciled their belief with adverse facts by postponing the fulfilment of the promises to a future date. A Messiah would arise who would deliver them from the hand of their enemies, as David had delivered them from the hand of the Philistines, and who would subdue all nations, and inaugurate an era of universal justice, peace and righteousness.

What most puzzled these poor prophets, was not only the triumph of the heathen, but the triumph of evil in the world, of the idolatry and injustice that must be hateful to the pure and just God of their conception. And as they could find no satisfaction in contemplating the present, they had recourse to the future for consolation, as has been the habit of the religious mind in all ages. Later on, when the Jews had during their captivity been saturated with Magian doctrines, we shall find this idea developing itself into the belief in a future state, with a happy heaven for the good, and a lake of fire for the punishment of the wicked. The triumph of God's enemies in this life then becomes intelligible, because compensation for the seeming injustice will be awarded in the next. The Messianic idea attained its logical development in the frantic and hopeless struggle against the overwhelming power of gentile civilization as embodied in the rule of the Romans, when the political existence of the Jewish nation was extinguished for ever. A similar idea, bred of the same religious conditions, is now agitating the Musalman world, and has already found expression in the Mahdist revolt in the Soudan.

It is now obvious to us that the unparalleled misfortunes and calamities of the Jewish nation were chiefly brought upon it by the obstinate conviction of the Israelites that they were the chosen people, and the especial favourites of Providence. It is impossible not to feel deep sympathy with their steadfast faith, with their childlike trust in Jehovah, constantly disappointed, but ever unflinchingly renewed. His enemies triumph over them, profane His Holy of Holies, destroy His Holy City, level His temple with the ground. The victorious Gentile torments the captive Jew with the taunt—"Where is now thy God?" Yet Israel still believes, still trusts on. The blood of

the myriads slain by the legionaries of Titus in the courts of the temple is hardly yet dry on the ruins of Jerusalem, before the few survivors are again defying the might of the Roman empire at the ill-omened bidding of Bar-kaukab. Again defeated, decimated, dispersed, they trust in the unfailing promises still. They have only mistaken, forestalled the time of their fulfilment. How long, Oh Lord, how long?

But we are outstripping M. Renan who has only accompanied Israel as yet so far as the conquest of Samaria by the Assyrian armies of Shalmaneser, and the dispersal of the ten tribes. M. Renan does not think that this captivity of Israel was at all so general or so complete as is supposed, or as it is stated to have been in II Kings, Chap. XVII. He thinks that only the chief men of the nation would have been carried away by the conquerors. Those who remained either became absorbed in the kingdom of Judah, or merged in the heathen nations around them. There are few now, we imagine, who believe in the existence of the lost ten tribes, though not so very long ago the probability of discovering them was generally debated and speculated on. There is little doubt but that all that remain of them have become incorporated with the Jews as now known. But M. Renan affords us no sufficient reason for preferring his own conjectures to the statements of the Jewish historian. He is an acute thinker and brilliant writer, but his method of criticism is essentially French. He rather reminds us of his famous compatriot, who thought that the circumstance of facts not agreeing with his own theory, was so much the worse for the facts.

Whatever appears to him to have been probable, he likes to assume for certain. It is easy to write history in this fashion, and its facts are in this way pretty certain to agree with the historian's theories. M. Renan's method is the very opposite of the exact and laborious research which never assumes a probability to be a certainty, and never takes a doubtful point for granted, practised by his German predecessors in the same field. He has accepted their conclusion that the books of the Pentateuch have been compiled from two different narratives, one of which is called the Jehovist, and the other the Elohist, from the fact that the word Jehovah is not used in the latter until its revelation to Moses as the name of God. M. Renan asserts that the Jehovist version was compiled in the northern kingdom and the Elohist narrative in Judah, probably by a temple scribe; but he again gives no sufficient reasons for this assertion. Indeed, his whole treatment of the subject of the Hebrew literature and philology incline us to the inference, that his acquaintance with that ancient



language is neither extensive nor profound. He himself acknowledges the utter uncertainty enveloping the whole matter. Speaking of the Pentateuch he says :—

“How is it that the date of such a work can be so uncertain? How is it that the name of the man who wrote this masterpiece is unknown? The same question is asked of the Homeric poems; of nearly all the great epics of the Gospels, and in fact of all the great works which have been compiled from popular traditions. The compilation of the Gospels was certainly an important event in the history of Christianity, though at the time when these short books appeared they were unnoticed at the centre of Christianity. Books of this kind are of no value to the first generation, which is well acquainted with the original tradition. They acquire immense importance as soon as the direct tradition is lost, and when written accounts are the only evidence of the past. That is why this description of narrative is rarely unique.”

These ancient scriptures afford us the means of tracing the successive developments of the Jewish religion with peculiar distinctness. In the patriarchal ages we have the Elohim, the gods walking on earth and talking with man. We next find the nomad tribes worshipping a local and tribal god who dwells in mountains, and wields the thunder, gives written laws to his followers, and directs the operations of armies. Next we have the one and only God of the universe, who rewards and punishes men according to their works. Evil and good, in this simple theology, come equally from God : it is He who hardens Pharoah's heart, who instigates David to commit the sin of numbering the people, who sends a lying spirit to entice Ahab to go up to Ramoth-Gilead and fall there. There is no mention of a future state of reward and punishment in the Old Testament : temporal blessings only are predicted for the servants of Jehovah. After the captivity, the Jews adopted the beliefs in a resurrection, in heaven and hell, and in eternal life : and it has been very plausibly suggested that they imbibed these beliefs from the Magian Persians with whom they were tenets of faith. And the Persian Ahriman, or principle of evil, separate from God the author of godness, was also at the same time adopted into their theology, and became the devil or Satan. In the narrative of Genesis the serpent is not a supernatural being, he is only “more subtle than any beast of the field :” and the myth is simply a method of accounting for the antipathy of man to the serpent.

In later times the revolt of the angels became a tradition, and the serpent was then identified with the Devil. In the book of Job, one of the most ancient of the Hebrew Scriptures, Satan appears as one of God's angels : he was, in fact, the angel whom God employed to wreak evil on human beings. This instrument of evil naturally became, in the new theology, the origin of evil and an enemy of God and man : and hence

the legend sprang up of his rebellion, and of his being cast down from heaven to the Asfal-as-Sáfalín, or uttermost depths. These changes which appear so striking and radical to us were really adopted so gradually during many centuries, and were the outcome of so many changes of circumstances, locality, language, and habits of life and thought, that their growth was imperceptible : and the Jews of the Tetrarchy still believe themselves to hold the same faith as Abraham and Moses. The Sadducees, whom they accounted as heretics, were in reality those who adhered most closely to the ancient religion of Shiloh and Carmel.

For the world at the present day Judaism possesses a peculiar interest as the progenitor and prototype of Islamism. Muhammad in his search for truth eagerly adopted a religion ready made to his hand, and so congenial to the Semitic genius. He professed to follow in the footsteps of both Moses and Jesus, but there is no trace in the Koran of the teachings of the Gospels. As far as the legendary and narrative part of his revelation goes, Muhammad seems to have drawn his inspiration from the Jewish Talmud. But he adopted the moral and ceremonial code of the Pentateuch. The Divine Law of Israel became the Divine Law of Islam. Mecca took the place of Jerusalem : the Sanctuary of the Kaaba replaced the temple. The children of Ishmael carried on the mission which had been committed to the children of Isaac. But Muhammad made one important advance upon the principles of Moses. He offered the covenant to the whole world, he admitted all nations and tribes, without distinction, into the ranks of the chosen. Islamism is Judaism, but it is Judaism writ large.

There is a remarkable analogy, too, between the career of the congregation of Israel and of the congregation of Islam ; between the course of historical events that have attended the development and the decay of the two systems. A thousand years after, Joshua had led the host of the Lord to the extermination of the heathen Canaanites, Obeidullah and Kaled brought the monotheistic warriors of the desert into the same land to destroy the "polytheism" (Shirk) of the corrupt Christianity of Byzantium. The glories of the Caliphate afford a parallel to those of the reigns of David and Solomon : the wars of the Crusades recall the memories of the struggles of the unskilful but valiant Israelites against the uncircumcised Philistines. The Afghan Ghazi at Maiwand, the Derwish chanting his psalm of praise to the Most High under the fire of the English square at Abu Klea, believes himself to be the champion of God against his mortal enemies, as firmly and faithfully as ever did the followers of Barak and Gideon. And in its decay, Islamism brings out more and more strongly the salient features of the



resemblance between the two systems. No one can frequent the society of the Musalman Ulema in any country without recognising in them the Scribes and Pharisees of the last days of Jerusalem. The shameless hypocrisy, the worship of the letter, the neglect of the spirit, the hatred of reform, the fear of the Western civilization that is slowly and surely sapping the foundations of their sand-built house, are all there. With this, there is the fevered expectation of the coming of the Messiah and of the end of all things, which so strongly characterised the last days of the Jewish nation in its own land.

A most complete change has taken place in the national character of the Jews since they were scattered throughout the habitable world by Roman policy, eighteen hundred years ago. From a nation absorbed in pastoral and agricultural pursuits, they become a people devoted entirely to trade and finance. Though usury is forbidden by their law, they become the usurers *par excellence* of the whole world. From other examples of the kind it would almost seem as if there were some natural law developing such instincts in a nation deprived of its political and territorial existence, but still retaining its religious and ethnic identity. The Greeks and Armenians have both developed the same national character as the Jews: the latter to a very great degree: the former in lesser measure, as their severance from their own soil has been more partial. But the Parsis of India present in their history the most striking parallel to the condition of the modern Jews. They have existed as a distinct people without a country and without a polity for twelve hundred years. Like the Jews they have lost their ancient language, and like the Jews they have retained their old religion. They were in their own land a nation of warriors and horsemen: in exile they have become exclusively merchants and traders. It would be difficult to find, in the pages of history, a more striking instance of a similar series of events producing corresponding results.

The future history of the people of Israel is not difficult to forecast. During many centuries, persecution has intensified their national feeling, and the contumely and obloquy with which they have been treated by Christians, has been reciprocated an hundred fold. This state of things is happily no more in civilized countries. In France, where Jews have been admitted to the full rights of citizenship from the time of the Great Revolution one hundred years ago, they are already beginning to be absorbed in the mass of the population. A general indifference to the forms of religion enables them to become Frenchmen without becoming Christians; and the Jew of the Paris Bourse and of the London Stock Exchange is to-day as little of a zealot or a bigot as the most advanced Aryan philosopher could desire.

### ART. III.—INDIAN LEGISLATION AND LEGISLATIVE COUNCILS.

I HAVE, in my essays on "Indian Constitutional Law," given a brief sketch of Indian Legislation before "the Indian Councils' Act, 1861," and also some account of the respective spheres, powers, and functions of the Supreme and of Provincial Legislative Councils. I now propose to discuss, in somewhat more detail, the rules, procedure and manner of legislation, the constitutional position of legislative bodies in India, their relation to the executive, the publicity of legislation, and some kindred matters. The subject-matter may be considered under the following heads:—

#### I.—INITIATION OF LEGISLATION.

#### II.—RULES FOR THE CONDUCT OF LEGISLATIVE BUSINESS.

1. Meetings of the Council.
2. Introduction, publication and consideration of Bills.
3. Passing of Bills, Publication of Acts, Petitions, &c.

#### III.—THE LEGISLATIVE DEPARTMENT OF THE GOVERNMENT OF INDIA—

Respective positions of the Executive and Legislative Departments of the Government of India as regards legislative measures.

#### IV.—EXTENT OF INDEPENDENCE OF THE INDIAN LEGISLATIVE COUNCIL.

#### V.—EXTENT OF INDEPENDENCE OF LOCAL LEGISLATIVE COUNCILS.

#### VI.—POSITION OF OFFICIAL MEMBERS OF LEGISLATIVE COUNCILS.

#### VII.—ADDITIONAL MEMBERS OF THE GOVERNOR-GENERAL'S COUNCIL.

Simla *vs.* Calcutta as the seat of the Indian Legislative Council.

#### VIII.—DISCUSSION OF BUDGETS.

#### IX.—PUBLICITY OF LEGISLATION AND OPPORTUNITIES FOR PUBLIC CRITICISM.

#### X.—REAL AND EFFECTUAL REPRESENTATION OF ALL CLASSES.

#### XI.—EXECUTIVE LEGISLATION.



XII.—CONCLUDING REFLECTIONS AND SUGGESTIONS  
REGARDING THE MULTIPLICATION OF LEGIS-  
LATIVE OR QUASI-LEGISLATIVE BODIES, AND  
POSSIBLE EXPANSION OF THE REPRESENTATIVE  
PRINCIPLE.

I.—INITIATION OF LEGISLATION.

Apparently any member of the Supreme or of a Provincial Legislative Council may move for leave to introduce a measure subject to the provisos specified in sections 19 and 38 respectively of the "Indian Councils' Act," and of course to the general restrictions contained in the Act. As a matter of fact, measures are seldom or never introduced by non-official members. As regards Local Councils, the Governor in Council, or the Lieutenant-Governor determines whether any particular measure shall be introduced. As to the Supreme Council, when a question involving legislation is submitted to the Government of India, it is referred to the member in charge of the Executive Department to which the subject pertains. If he thinks that legislation is expedient, the matter is brought before the Governor-General in Council. Nearly all the legislation of the Supreme Council is undertaken at the instance of some Local Government; but, of course, any member of of Council may initiate a legislative measure dealing with the department under his charge.

In the case of territories which have been brought under the provisions of 33 Victoria, chapter 3, the Local Government submits draft Regulations for their peace and good government to the Governor-General in Council.

The Bills of Local Councils generally emanate from the reports of the District Officers of Government. Legislation is by no means readily undertaken. In many instances the abuse calling for removal, the mischief which demands a remedy, the difficulties which hamper some particular branch of the administration, are allowed to become very acute before the legislative machine is set in motion. Sometimes a Bill is introduced in consequence of the earnest representation of some public body, or some particular section of the community.

I.—RULES FOR THE CONDUCT OF LEGISLATIVE BUSINESS.

I. *Meetings of the Council.*

The quorum for a meeting of the Supreme Legislative Council is seven, including the President. It is the function of the President to preserve order, and all points of order are decided by him, no discussion thereupon being allowed. Any tendency to undue verbosity or prolixity, or to oratorical action or display, is effectually checked by the admirable rule, that

members must speak *sitting and not standing* ! The advisability of introducing this rule into Local Legislative Councils is worthy of consideration. In Bengal, members are not allowed to read their speeches, but they may refresh their memory by referring to notes. All members have an opportunity of speaking, and the mover of a motion may speak once by way of reply. Any member may speak at the request and on behalf of another member, who is unable to express himself in English. The question is put by the President, and decided by a majority of votes. Any member may ask for any papers or returns connected with any Bill before the Council, and it is for the President to determine whether they can be given. Members, having occasion to ask questions of other members on any measure then under the consideration of the Council, must ask such questions through the President.

The rules for the Bombay and Madras Councils are similar. The President appoints the times and places of meeting. The quorum for a Local Council is five, consisting of the Governor, or (in his absence) some ordinary Member of Council and four or more members of Council (including, under the term members of Council, additional members). The Supreme Council sits both in Simla and in Calcutta, but enacts its most important business in Calcutta. The Bengal Council generally sits during the period from January to April.

## 2. *Introduction, Publication, and Consideration of Bills.*

Any member wishing to move for leave to introduce a Bill, in accordance with the provisions of sec. 19 of the Indian Councils' Act, must give the Secretary at least three days previous notice of the title and object of the Bill. If such motion be carried, the Bill, with a full statement of objects and reasons shall, if not already prepared, be prepared by the member, or (if he so desire) by the Secretary in consultation with the member. The Bill is then printed, and copies sent to each member. Bills are published in such manner as the Council thinks fit. The member in charge of a Bill must make one or more of the following motions :—

- (a.) That it be referred to a Select Committee, or
- (b.) That it be taken into consideration by the Council at once, or at some future day to be then mentioned, or
- (c.) That it be circulated for the purpose of eliciting opinion thereon.

When any such motion is carried, the Bill, together with a statement of its objects and reasons, shall be published in English in the *Gazette of India*. The Bill and statement are also published in such official Gazettes, and in such vernacular



languages (if any) as the Council in each case decides to be necessary for the purpose of giving notice to the communities affected by the Bill.

It may be said, broadly speaking, that Bills of the Government of India come from the Select Committee in the shape in which they are eventually passed. Every section is thoroughly discussed and threshed out in Select Committee. The Council appoints the members of Select Committee, but the Law member is always a member of every Committee. Ordinarily the Select Committee are not allowed to report on a Bill until the expiry of three months from the date of its first publication in the *Gazette of India*. In Bengal the ordinary period is one month. If a Bill is very materially altered in Select Committee, it is generally republished. The Select Committee's Report is circulated to each member of the Council, and is taken into consideration by the Council "as soon as conveniently may be."

Any member may propose an amendment of a Bill, provided he has sent notice of his amendment to the Secretary three days before the amendment. Such notices are printed and circulated to the members. In Bengal votes are taken by voices or by division, but *must* always be taken by division if any member so desires. Any member may move that a Bill, which has been amended by the Council or by a Select Committee, be republished or re-committed, and, if the Council so decide, the President may order the Bill to be republished or re-committed, as the case may be. If no amendment is made when a Bill is taken into consideration by the Council, the Bill may at once be passed. The President has a general power to suspend any rule.

There seems to be no rule in India as to the length of time for which a member may speak. One hour is the limit in the United States. Other countries do not appear to have any rule, except that the President may stop a speech if the member speaking is twice warned for wandering from the subject. There are no rules as to the clôture in the rules of business; but when a motion that a Bill be taken into consideration has been carried, the President may submit the Bill, or any part of the Bill, to the Council, section by section. When this procedure is adopted, the President calls each section separately, and when the amendments relating to it have been dealt with, shall put the question "that this section, or (as the case may be) this section as amended, stand part of the Bill." The clôture exists in all continental legislatures. In Italy the demand for it requires the support of ten members, in Germany of 30 members. The President at once puts the question "that the debate be closed." In some countries, France for instance, one member

is allowed to speak against the closing of the debate. The opinion of a distinguished French statesman, M. Guizot, given before a Committee of the House of Commons on public business in 1848, may not be out of place here: "I think," said M. Guizot, "that in our Chamber it was an indispensable power, and I think it has not been used unjustly and improperly generally; calling to mind what has passed of late years, I do not recollect any serious and honest complaint of the *clôture*. In the French Chambers, as they have been during the last 34 years" (he was speaking in July 1848), "no member can imagine that the debates would have been properly conducted without the power of pronouncing the *clôture*." In another part of his evidence, M. Guizot stated: "before the introduction of the *clôture* in 1814, the debates were protracted indefinitely, and not only were they protracted, but at the end, when the majority wished to put an end to the debate, and the minority would not, the debate became very violent; and out of the house, among the public, it was a source of ridicule."

The rules in Madras and Bombay are much the same. In Bombay there are three readings of a Bill, but a reading means that only the title of the Bill is read, unless the Council requires that the Bill shall be more fully read.

The India Councils' Act contains no express provision regarding publicity of debate. The debates in Hansard show that there was a good deal of discussion on this point. Mr. W. Forster asked to what extent publicity was to be allowed, and Sir Charles Wood replied that the matter would be left to the discretion of the Governor-General or the Governor of the Presidency. Lord Canning, in a despatch of the 15th January 1861, had recommended that the proceedings should be conducted as in a committee or commission, and not in the form of a set Parliamentary debate, and that they should be reported under the control of the Governor-General, and only published after all the proceedings were over. Mr. Bright thought it right that legislative assemblies should have the right to close their doors on special occasions, but that Lord Canning's suggestions should be followed in a more liberal spirit. Sir Charles Wood said it would be much safer to leave it to the Governor-General to decide to what extent publicity should be given to the debates; if the practice in England were modified, it would only be so far as to ensure an authentic report of the speeches. Lord Granville spoke to the same effect in the House of Lords.

### 3.—*Passing of Bills, Publication of Acts, Petitions, &c.*

When a Bill is passed by the Supreme Council, a copy thereof is signed by the President, and when the Governor-General



has declared his assent thereto, such copy is signed by the Governor-General, and the Bill is published as soon as possible in the Official Gazettes as an Act of the Governor-General in Council. Such publication is made in the *Gazette of India*, and the Official Gazettes of the Local Governments in English, and in the principal vernacular languages spoken in territories subject to such Governments respectively : provided that, if the Act does not apply to the whole of British India, it is published only in the *Gazette of India*, and in the Gazettes of the Local Governments to whose territories it applies.

After the passing \* of a Bill by a Local Council, the Governor (or Lieutenant-Governor) communicates his assent or dissent to the Council by certificate in writing on the face of the Bill, and the Bill with such certificate is lodged in the records of the Council. The Governor shall transmit forthwith to the Governor-General an authentic copy of every law or regulation to which he shall have declared his assent ; and no such law or regulation shall have validity until the Governor-General shall have assented thereto, and such assent shall have been signified by him to, and published by, the Governor in the Official Gazette. The fact of assent or dissent of the Governor-General (as also the disallowance of any law by Her Majesty) is communicated to the Council by the Governor personally or by letter, and is recorded in the journal of the Council. It is not competent to any member of the Council to make any motion upon, or otherwise bring under the consideration of the Council, the exercise by Her Majesty, the Governor, or the Governor-General, of their prerogative of disallowing a Bill by withholding their assent from it. Immediately after the Governor-General's assent, the Act is published in the Local Gazette.

The Council Chamber is not open to the public, but strangers may be admitted to it on the order of the President. The President, on the motion of any member, or otherwise, may direct at any time during a sitting of the Council, that strangers withdraw.

Communications on matters connected with any Bill before the Supreme Council may be addressed, either in the form of a petition to the Governor-General in Council, or in a letter to the Secretary, and must in either case be sent to the Secretary. Ordinarily, such communications will not be answered. Except in the case of the High Court at Fort William, such communications from courts, officials, or public bodies shall ordinarily be sent through the Local Government. The Secretary

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\* "After the passing of a Bill, the Secretary shall revise and complete the marginal notes thereof, and shall submit it to the Lieutenant-Governor for his assent." Bengal Council Rules XV, (9).

shall either cause such communications to be printed and send a copy to each member, or circulate them for the perusal of each member. Under rule 12 of the Madras rules of business, petitions shall be in respectful and temperate language, and shall conclude with a distinct prayer. Any member may make a motion upon any petition brought under the consideration of Council. Rules 18, 19, and 20 of the Madras rules seem to be peculiar to the Madras Council. They are as follows :—

18. If a Bill be pending peculiarly affecting private interests, and any person whose interests are so affected apply by petition to be heard by himself or his counsel upon the subject of the Bill, an order may be made, upon the motion of a member, allowing the petitioner to be heard at a stated time, provided the petition be received by the Assistant Secretary before the matter to which the petition relates has been finally disposed of by the Council.

19. In no other case or manner shall any stranger be heard by himself or his counsel. If the petitioner or his counsel do not appear at such stated time, such leave shall lapse.

20. Any member may move that the hearing of any petitioner or of his counsel shall cease if such petitioner or his counsel be unduly prolix or irrelevant.

In continental legislative assemblies petitions are ordinarily referred to a Standing Committee on Petitions, and discussion takes place only on such petitions as have been recommended for that purpose. In most countries petitions can only be presented by a member, and not sent by any body. In France no petition can be received, if it comes from a meeting held on the highway. In Italy petitions are divided by the Committee into five classes :—(1) petitions which are anonymous or of doubtful authenticity, or contrary to Articles 57 and 58 of the Constitution ; (2) petitions which are insulting to religion, to the king, or to parliament, or which are evidently contrary to the statute, or inconsistent in form ; (3) petitions for things beyond the competency of Parliament, such as requests for offices, subsidies, and the like ; (4) petitions entertaining appeals for an object of public or private interest which are not within the direct competency of the tribunals, and for which, according to the petitioners, the administration has refused or omitted to provide, or has provided in a manner contrary to law ; (5) petitions which contain useful information and suggestions. No action is taken on petitions of the first three classes. If the Committee considers that the petitions of the fourth class are worthy of being taken into consideration, it proposes to the House to refer them to one or more ministers with an explanation of the reasons of its motion. Petitions of the fifth class can be deposited in the archives of the House, or be referred to a particular bureau, or to a committee, or else to



one or more of the ministers. But no action is taken on any petition which appears to be devoid of any foundation or value.

It has been stated that some right of interpellation is to be allowed in the Supreme Legislative Council. Under proper restrictions, this right is calculated to benefit the administration, as it will enable the Government to explain its action in any particular matter, to correct misrepresentations in the press, and to protect and vindicate its officers from the false and slanderous attacks so often made against them.

It is not yet known to what extent this right of interpellation is to be given, and it may be useful to note the practice in some of the continental legislatures. In Austria-Hungary interpellations which a member desires to address to a minister or head of a central board, must be presented to the President in writing, and be signed by at least 10 members in the Upper and 15 in the Lower House. The official, to whom the interpellation is addressed, may answer at once, or fix a later sitting for it, *or he may decline answering*, at the same time giving his reasons for doing so. When an answer is given, the House decides whether discussion shall follow or not. In France, even though an interpellation is placed on the order of the day, a minister is not compelled to give an answer. The same rule holds in Italy. In Germany, a question which it is desired to put to the Federal Council must be signed by 30 members. If the Chancellor is willing to answer the question, discussion is permitted after the reply to the interpellation, on a motion supported by at least 50 members. No motion is permitted; but any member is at liberty to renew the interpellation on some future day in the form of a motion.

Even the smallest right of interpellation in India will constitute a radical inroad on the existing laws and constitution. It will necessitate the amendment of sections 19 and 30 (for the Supreme and Local Councils respectively) of 24 and 25 Victoria, s. 67, which enact that "it shall not be lawful for any member or additional member to make, or for the Council to entertain, any motion, unless such motion shall be for leave to introduce some measure as aforesaid into Council, or have reference to some measure actually introduced thereto." As has been pointed out in my articles on "Indian Constitutional Law," the object of these sections was to prevent the legislature from interfering with the functions of the Executive Government, and occupying its time with matters which were not directly connected with the special duties assigned to it. The Legislative Councils constituted under the Act of 1861 have been described by high authority as follows: "The Councils are not deliberative bodies with respect to any subject but that of the immediate legislation before them."

They cannot inquire into grievances, call for information, or examine the conduct of the executive. The acts of the administration cannot be impugned, nor can they be properly defended in such assemblies, except with reference to the particular measure under discussion." It is manifest, then, that any the slightest right of interpellation will be a wide and radical departure from the principles of the Councils' Act. It may be advisable to afford the Government an opportunity of publicly defending its acts, and those of its executive and judicial officers and officials, who now have to suffer in silence, will benefit thereby ; but to permit inquiry into grievances, calls for information or examination of the conduct of the executive, would renew, in an intensified form, all those evils, the existence of which led to the passing of the Councils' Act.

### III. THE LEGISLATIVE DEPARTMENT OF THE GOVERNMENT OF INDIA.

The late Sir Henry Maine attributed the ever-increasing necessity for legislation in India to the steady emergence of the country from a state of discretionary (or patriarchal) government into a state of government by law, and he thought that such necessity would go on increasing as the country became more and more civilized. It was chiefly through his instrumentality that the Legislative Department, which used to be only a branch of the Home Office, was in 1869 constituted a separate department ; and since that date all correspondence with Her Majesty's Government relating to Bills and Acts, whether of the Imperial or Local Councils, has been conducted in the Legislative Department.

Perhaps the most important work of the Legislative Department, as a department, is the giving of opinions on cases and matters referred by the Executive departments of the Government of India. The latter may consult the Legislative department on the following subjects :—

- (1.) The construction of Statutes, Acts, and Regulations ;
- (2.) Cases involving general legal principles ;
- (3.) Proposed amendments of the law, and
- (4.) Notifications to be issued under any enactment.

Draft rules, framed under Acts of the Governor-General in Council, are also sent to the Legislative Department for consideration.

In addition to other miscellaneous duties, it is the duty\* of the Secretary in the Legislative Department to draft all

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\* It is specially enacted in the Bengal Council Rules (XX) that all acts which the Secretary is required to do may be done by any Secretary, Junior Secretary, or Under-Secretary of the Government of Bengal. They cannot be done by any other person.



Bills originated by the Government of India, the statements of their Objects and Reasons, and the Reports of the Select Committee to which such Bills are referred; if so desired, to draft Bills introduced by a non-official member in consultation with such member; to assist the Council and Committees; to examine all Bills deposited by additional members, and report to the President on those which contain clauses trenching on subjects coming within sections 19 or 22 of the Indian Councils' Act.

There is, or was, a rule by which the Legislative Departments were precluded from giving an opinion in cases in which the Advocate General had already advised. But it has been found impracticable to adhere to this rule; and, indeed, it would be preposterous to hold that the Government of India is bound to accept any opinion, the incorrectness of which could be clearly demonstrated. There is no rule that the Executive Departments are bound to accept and act on the opinion of the Legislative Department; but, as a matter of fact, they ordinarily do. By not doing so, they would shift on to themselves the responsibility which now rests with the Legislative Department. In matters in which legal questions are involved, the ministries of civilized Governments act, as a rule, as advised by their responsible Law Officers: but there is, of course, no rule, legal or constitutional, which compels them to do so.

*Respective Positions of the Executive and Legislative Departments of the Government of India as regards legislative measures.*

The Legislative Department is not, in respect of Government measures, an originating or initiating department, and its proper function in respect of such measures is to put into precise language and proper technical form projects of law, of which the political expediency has been decided elsewhere. All legislative proposals on the part of Government are first considered in the Executive Department in which they originate, or to which their subject belongs. The necessity for legislation is there affirmed, and all points of importance connected therewith are considered and settled. The papers, with the orders of Government thereon, are then sent to the Legislative Department.

All legislative proposals emanating from Local administrations are addressed, not to the Legislative Department, but to the proper Executive Department of the Government of India; but after a measure has been referred to the Legislative Department, that department corresponds directly with local administrations.

When a Bill has been passed by a Local Legislative Council, and submitted for the assent of the Governor-General under section 40 of the Indian Councils' Act, it first goes to the Secretary to the Government of India in the Executive Department to which its subject belongs. That department, after passing its opinion on the policy of the Bill, forwards it with all connected papers to the Governor-General for orders. The Bill, if approved as an administrative measure, is then submitted to the Legislative Department to report whether there are any objections to it other than objections to its policy. The same course is pursued in dealing with any proposal for the making and promulgation of an Ordinance under section 23 of the Act, and with any proposed law which requires the previous sanction of the Governor-General under sections 19 and 43 of the Act. So draft Regulations, framed under 33 Victoria, chapter 3, are first sent to the Executive Department, and then to the Legislative Department with the view of obtaining the Governor-General's assent, in the same way as Bills passed by Local Councils.

#### IV.—EXTENT OF INDEPENDENCE OF THE INDIAN LEGISLATIVE COUNCIL.

In my essay on "Indian Codification,"\* I have given some account of the Law Commissions appointed under the Charter Acts of 1833 and 1853.† As long as these strong Commissions were sitting in England, the power and discretion of the India Legislature were subject to considerable limitation. Drafts of Acts framed by the Indian Law Commissioners were sent out to the Government of India, who were expected to accept them and pass them into law with as few modifications as possible. Such a position was naturally unpalatable to the Indian Government, and indeed, it was hardly in consonance with the constitution. Section 22 of the Indian Councils' Act empowers the Governor-General in Council to "make laws and regulations," while section 21 empowers Her Majesty to disallow such laws through the Secretary of State in Council. Thus a complete legislative discretion and initiation is given to the Government of India. Had the Indian Law Commission continued, the legislative independence of the Indian Legislature might have been seriously threatened, and it is perhaps fortunate that the Commissioners resigned (1870), owing apparently to their disappointment at the slowness of the Government of India in passing their drafts into law.

But let us leave out of the question any accidental disturbing elements, such as the existence of a Law Commission in

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\* *Calcutta Review*, No. CLXXVI, April 1889.

† 3 and 4 Will. iv. c. 85, s. 53 and 16 and 17 Vict. c. 95 s. 21.



England. There can be no doubt that the Indian Legislature is not vested with absolute independence and discretion in the same sense as the House of Commons, or the legislature of any Sovereign State. The great principle which underlies the Government of India is, that the final control and direction of Indian affairs rests with the Home Government and not with the Government in India. The latter is subordinate to the former, and no Government can be subordinate, unless it is within the power of the Superior Government to order what is to be done or left undone. It is true that the Imperial Government always has the power of imposing its veto on any Act passed in India. But is a mere negative or destructive power sufficient? To be real and effective, it must be affirmative or creative. The Home Government might be of opinion that the passing of some particular measure into law was essential for the welfare or safety of the Indian Empire. If Acts known as executive may be ordered, it seems to follow that legislative measures may be ordered. The constitution of the Government of India is peculiar. Its executive members do not cease to be such, because they are also legislators. We must banish from our minds the distinction which exists between "the executive" and "the legislative" in an independent Sovereign State. Members of the ministry in England are also legislators; but they are bound to carry out the wishes and policy of the Government or resign. So the position of a member of the Government of India as a legislator is secondary and subordinate to his position as a minister; the legislative capacity is but the necessary concomitant and complement of the executive or ministerial capacity. This is the recognised principle of British government in relation to other parts of the Queen's dominions, where the authority of the legislating body is derived from the Crown, and is not founded on the principle of popular representation. At the same time it could only be on rare and exceptional occasions that the Secretary of State would call on the Government of India to pass any particular measure; and the exercise of such a power, in the absence of special and urgent reasons, would probably be a straining of the constitution.

That the ultimate power rests with the Home Government of requiring the Governor-General to introduce a particular measure, and of requiring also the members of his Government to vote for it,\* appears to be unassailable as an abstract proposition; but a frequent resort to this power would be a straining of the constitution, because it would reduce an integral part of the Indian constitution to insignificance, and would prevent the whole from working as

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\* See *infra* pp. 55 and 56.

designed. Parliament never intended \* that the Indian Legislative Council (any more than the Executive Council) should merely register the decisions of the Secretary of State. No doubt the Secretary of State has the legal right to order the Government of India to do any thing he pleases. The Governor-General and Council are directed, by sec. 9 of 13 Geo. iii. c. 63, "to pay due obedience to all orders received from the Court of Directors" (now represented by the Secretary of State); and 33 Geo. iii. c. 52, s. 65 † constitutes it a misdemeanour to "wilfully disobey or wilfully neglect to execute the orders of the Court of Directors." These words must be held to cover orders to introduce and pass a certain Bill as much as orders to perform any other act of Government. It would seem that members of the Government of India must obey the orders of the Secretary of State or resign; *but if the Government of India as a body were strongly of opinion that some order of the Secretary of State ought not to be carried out, they might be justified in appealing to Parliament with reference to sec. 51 of the Charter Act of 1833 (3 and 4 Will. iv. c. 85).*

It is the practice for the Government of India to inform the Secretary of State of proposed legislation; and the object of this rule is to prevent any conflict between the Indian and Home Governments. But the Secretary of State has no direct power

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\* The intention of Parliament may be inferred from the debates on the Government of India Bill:—The Earl of Derby said: "The Government of India must, as cannot too often be repeated, be on the whole carried on in India. . . . I cannot help expressing my opinion that, with regard to the details of the Government of India, the less interference there is on the part of Parliament, the better prospect will there be of securing the happiness and contentment of the people of India." 3 Hansard, Vol. 151, 1448. Lord Broughton said he would keep the Government of India out of Parliament as much as possible. In the House of Commons, Sir Charles Wood said that it was essential that the proceedings of the Government of India should be reviewed by the Government at home. Mr. Bright "took it for granted that in future there would be more business done in India, and less at home ("no, no!"). Well, all he could say was, that if there was not more business done in India, and less at home, and the business at home confined to deciding upon great measures, and giving a veto or an assent, as the case might be, he could see no prospect of getting out of the difficulties in which we were now placed with reference to India." Viscount Goderich "thought the only sound principle to act on, was to leave questions of detail to be settled in India itself." Mr. Cumming Bruce said: "Sir Charles Metcalfe had recorded it as his opinion, that the real danger in the Government of India would be felt when party spirit in the House of Commons first acted directly on the affairs of India." Mr. Bright "was of opinion that unless you could get rid of nine-tenths of the matters which were referred to this country, you could never have a Government of India worth calling a Government."

† To the same effect is 3 and 4 Will. iv. c. 85, s. 80.



to interfere and alter measures in their passage through the Council. It is true that it may be an accident whether a particular Act of Government is executive or legislative, and under the Indian Constitution there is, perhaps, less distinction between these two classes of Acts than in the constitution of any other country. Nevertheless, there is a distinction, and that of a well-known and well-defined nature. An analogy with judicial Acts is deceptive and misleading; a judicial body has merely to *declare* the law without regard for consequences, but a legislative body is subject to many influences, and a legislative Act is often a compromise, the outcome of a number of opposing forces. In fact, a legislator may sometimes have to sacrifice his own opinion for important State reasons. This is pre-eminently so in India. Still, the word "legislative" does connote a certain amount of independence.

What is the exact position of the Indian Legislative Council to the Secretary of State? The question is not free from difficulty, and it is necessary to drive the discussion further home before we can arrive at any clear and tangible proposition. As regards initiation, it is not possible to distinguish very materially between executive and legislative Acts in regard to the Secretary of State's right to be consulted, or at least informed before hand. Under the Company, Anglo-Indian officials were subject to a mercantile body; they were the servants of an absolute master. The Secretary of State has now taken the place of the mercantile body, and the above relations still remain, *so far as they have not been altered by Parliament*. Now the Indian Councils' Act has considerably altered the position. The functions of the various component parts of the constitution have been assigned by an Act of Parliament. This Act seems to throw the whole duty and responsibility of initiating legislative measures on the Indian Government. The only power which it reserved to the Secretary of State seems to be that of considering the measures as a whole, and of deciding as a whole whether they shall be disallowed or not. Section 22 of the Act empowers the Governor-General in Council to "make laws and regulations for all persons, courts, places and things whatever," a few subjects only being expressly excepted. By section 20 the Governor-General has the power to assent to a measure passed by the Legislative Council, or to dissent from it, or to reserve it for the pleasure of the Crown. It is only when he has assented that the Secretary of State comes in. By section 21 it is provided that, if he assents, he shall transmit an authentic copy to the Secretary of State, and then it is lawful for the Crown to signify its disallowance of the law through the Secretary of State in Council. It would certainly be unconstitutional, and it might also be illegal, for the Secretary

of State to insist on some particular alteration of a Bill during its passage through Council. He does not appear to be justified in interfering with a Bill during its progress. Granted that he can order the Governor-General in Council to introduce a particular measure. Still the latter body cannot be prevented from altering a Bill during its progress, and after any measure has been actually introduced, the Secretary of State in Council\* has no *locus standi* until the Crown comes to decide whether the law should be allowed or disallowed.

In fact, the Councils' Act recognizes that there is a difference between executive and legislative Acts. The Councils' Act introduced three new elements into Indian legislation :—

- 1.—Oral discussion.
- 2.—Reference of Bills to a Select Committee instead of to a single member.
- 3.—Publicity of proceedings.

The element of publicity is of great importance, as it constitutes an additional check or sanction. Moreover, the notion of a legislature necessarily implies *some* independence, some relaxation of the control of the Home Government as regards matters which must be passed through the legislative machine. The word "machine," is not quite an apt word to describe the process of legislation. The difference between a particular executive or a particular legislative measure, carried out under orders from the Secretary of State, lies in the fact that the executive Act is, so to speak, the inevitable effect of a cause, whereas the legislative Act cannot be *purely mechanical*.

By the term "Indian Constitution," we mean to express the scheme of government for India which has been laid down by Parliament, and which, of course, Parliament may alter from time to time. In distributing the functions of government in regard to legislation, Parliament has in clear terms directed that the initiative should rest with the authorities in India, while the power of veto rests with the Secretary of State as the responsible adviser of the Crown. That Parliament did not intend that the Secretary of State should ordinarily interpose at any earlier stage, may be inferred from the fact that the Councils' Act makes no provision for such interposition. It is important that the body which legislates for India should be as free as possible from English political and social influences, and nothing but the strongest reasons of imperial urgency could justify the English Government in bringing such influences to bear on Indian legislation.

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\* Not the Secretary of State, be it observed. See sec. 21. of Indian Councils' Act.



But there is another aspect of the question, and the question itself is one of such importance that it is necessary to consider it from every possible point of view. Her Majesty's Government in England are as much responsible to Parliament for the proper government of India, as they are for that of any of the Crown colonies of the Empire. The responsibility is even more complete, inasmuch as it is armed with a more powerful sanction. The authorities of a Crown colony would only incur administrative censure for disobedience to superior orders; but the authorities in India would be liable to prosecution and punishment for a misdemeanour at law.\* The constitutional responsibility of Her Majesty's Government is complete and constant, because the action of the Government of India on the most vital questions may at any time be challenged, and motions of censure made in the House of Commons; in which case the policy pursued must be defended in detail by the representatives of the Government in debate, and the motions of censure are submitted by a division to the judgment of the House. The only responsibility known to Parliament is that of the responsible ministers of the Crown,† and it is the superintending authority of Parliament which is the reason and the measure of the authority exercised by those ministers. If the one power is limited, the other must be limited at the same time.

This being so, it is obviously essential that there should be a complete concurrence between the Home and Indian Governments. It would be most detrimental to the public interests that there should be any conflicts of opinion between them, and such conflicts can only be prevented by securing the fullest communication before any final step (executive or legislative) is taken. Indeed, the necessity for a clear preliminary understanding is stronger in the case of legislative measures, as they are less easily disallowed than executive proceedings. It is far better that any particular measure should be withdrawn or modified before it has been launched in the Legislative Council, than that it should be disallowed after it has run the gauntlet of discussion in Council, of Select Committee, of publication, and of criticism by local authorities and the Press. Disallowance generally implies open condemnation, and publicity and emphasis are thus given to the divergence of opinion between the Home and Indian Governments.

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\* 3 and 4 Will, iv. c. 85, s. 80.

† In the debates on the Government of India Bill, Sir Charles Wood said that the Minister for Indian affairs should be responsible to the Crown and the country; the Council of India was only to give him assistance. Viscount Palmerston said: "We are all agreed that the Home Government of India shall be managed by a Minister who shall be responsible to Parliament."

It is, therefore, better that the Indian Government should not publicly pledge itself until it has procured the approval of the Home Government. If this is done, there is little danger of the dignity and position of the Governor-General being injuriously affected. The words of the 39th section of the Charter Act of 1833 are as follows: "The superintendence, direction, and control of the whole Civil and Military Government of all the said territories and revenues in India shall be vested in the said Governor-General in Council." The Court of Directors, in sending out this Act to India, wrote as follows: "The powers here conveyed, when the words are interpreted in all their latitude, include the whole powers of government, and it is of infinite importance that you should well consider and understand the extent of the responsibility thus imposed upon you. The whole Civil and Military government of India is in your hands, and for what is good or evil in the administration of it, the honour or dishonour will redound upon you." But circumstances have changed since then, owing to the following new factors, among others; the growth of public opinion, a free press, greater facility and rapidity of communications, increased knowledge of Indian affairs in England, the more frequent interference of Parliament, and the necessity for ruling British India on the same imperial lines as the rest of the British colonies and possessions. The Indian Legislature is intended to be, and must in the nature of things be, an official Legislature. It is not even like the Legislature of a colony with a representative assembly. It is not permissible to it to legislate on lines and principles contrary to those laid down by the Home Government. The Governor-General and the members of the Executive Council are appointed by the Crown, and additional members are appointed by the Governor-General. All official members may be removed at the pleasure of the Crown. The Government can always pass into law a measure on which they are agreed; and if they are not agreed, the Governor-General may, in urgent cases, override his Council (33 Vic. c. 3, s. 5). He may also, "in cases of emergency" (24 and 25 Vic. c. 67 s. 23) make ordinances having the force of law for six months. Having regard to these facts, it would be erroneous to describe the Indian Legislative Council as an independent legislature.

From the foregoing the following propositions may be laid down:—

1. The Secretary of State has a right to be informed beforehand of proposed legislative, as of executive, acts of importance; so that the Home Government may have a chance of intimating approval or disapproval.



2. Subject to this right, the Government of India can initiate any legislation it pleases.
3. The Indian legislature is mainly an "official" legislature : it is not an independent legislature in the strict sense of the term.
4. The Secretary of State can order the Government of India to pass a particular legislative measure, (and he can require Government members to vote for it.)\* If he were to do so in the absence of urgent reasons, it would probably be a straining of the constitution.
5. The Indian Councils' Act recognizes a distinction between "executive" and "legislative" Acts. Legislation connotes *some* independence ; and the Secretary of State has no direct power to interfere and alter measures during their passage through Council.
6. Non-official members may vote as they please.

#### V. EXTENT OF INDEPENDENCE OF LOCAL LEGISLATIVE COUNCILS.

A persual of the Indian Councils' Act is sufficient to show that the legislative powers of the Local Governments are more closely subordinated to the Government of India than are those of the Government of India to the Imperial Government. In the former case a law is not valid until the Governor-General has assented to it ; in the latter case the Secretary of State's assent is not needed, though he can disallow it. It is less difficult to refuse assent than to disallow. Moreover, the list of subjects on which a Local Council cannot legislate, without the previous sanction of the Governor-General, is somewhat comprehensive (24 and 25 Vic. c. 67 s. 43), while it cannot affect any Act of Parliament, or, any Act of the Governor-General in Council passed after the Councils' Act came into operation (1861), nor can it affect *in malam partem* the jurisdiction of the High Courts.

The necessity for the Government of India settling before hand with the Home Government the policy of all important measures has been discussed above ; and Local Governments are even more bound to inform and consult the Government of India. When sending out to India the Charter Act of 1833, the Court of Directors said.—

"It is evidently the object of the present Act to carry into effect the intention of the Legislature to which we have alluded.†

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\* Perhaps the sentence in brackets requires some modification or qualification. It is further considered in the following parts.

† That is, an intention to give the Governor-General in Council "a control and superintendence over the other Presidencies as complete and paramount as it was possible for language to convey."

Invested as you are with all the powers of government over all parts of India, and responsible for good government in them all, you are to consider to what extent, and in what particulars the powers of government can be best exercised by the local authorities, and to what extent and in what particulars they are likely to be best exercised when retained in your own hands. With respect to that portion of the business of government which you fully confide to the local authorities, and with which a minute interference on your part would not be beneficial, it will be your duty to have always before you evidence sufficient to enable you to judge if the course of things in general is good, and to pay such vigilant attention to that evidence as will ensure your prompt interposition whenever anything occurs which demands it."

Under the Indian Councils' Act the power of initiating local legislation is given to local Legislatures (sec. 42) whilst the power of withholding assent is reserved to the Governor-General (sec. 40). Now two not altogether compatible objects have to be aimed at—

1. The Government of India must have some opportunity of examining local Bills beforehand with a view to see if they are in any way objectionable, that is, of such a nature as to render it probable that the Governor-General will be unable to accord his assent to them when passed :
2. At the same it is essential that the Viceroy should keep himself unfettered to consider each Bill, after it has passed the local Legislative Council, in the light of the discussions which may have taken place in that Council, in the press, or elsewhere.

The power of a local legislature to initiate legislation is, *so far as law is concerned*, limited only by sec. 43 of the Councils' Act which prohibits the undertaking of legislation regarding eight specified subjects without the previous sanction of the Governor-General. But under orders of the Government of India all Bills containing penal clauses, must be first submitted for previous sanction. As a matter of *practice*, however, apart from *statutory direction*, all Bills, broadly speaking, are submitted to the Government of India. The practice is much the same in the case of all local Legislatures. As regards Bengal, the Government explain to the Government of India the nature, scope and objects of any measure they propose to bring forward, stating at the same time the date on which they propose to bring it before Council. A draft Bill is not necessarily submitted. No particular reply to such a communication is expected, but the local Government waits a certain time to give the Government of India an opportunity of making any objection. If no instructions are received which preclude the Government from proceeding



with the proposed measure, it is introduced in Council accordingly. It may be said that such a procedure fetters the discretion, and lessens the independence of the local Council. But the local Council is no more independent than the Supreme Council. Indeed, it is less so. Nor need preliminary advice and intelligence be followed by unnecessary interference or unconstitutional dictation on the part of the Government of India. Such advice and intelligence is required not more on imperial grounds than in the interests of provincial Governments. It enables the Government of India so to exercise their power of interference as to obviate, by timely and judicious criticism, the possible necessity for ultimate disallowance.

It is highly desirable, on all grounds, that all local Bills should be submitted to the Government of India previous to their introduction in Council; and reading one statute with another, it is hardly too much to say that the Indian constitution requires that this should be done. English constitutional ideas must not be rashly applied. "Executive" and "legislative" are far more distinct terms in English than in Indian constitutional law. *In India the legislature is but the executive acting publicly, with a few additional checks or sanctions in certain matters which are beyond the competency of the Executive Government acting alone.* The arguments adduced above to show the subordinate position of the Government of India to the Home Government, apply with even greater force to Local Governments in their relation to the Government of India.

When Bills are before local Councils, all latitude of discussion is allowed; but, of course, the President may at any moment interpose, like the Speaker of the House of Commons, to prevent objectionable language or irrelevant discussion. A good deal of fault has been found from time to time with local legislation, but some at any rate of the objections are not of much importance, being objections of form rather than substance. The following objections or criticisms may be mentioned:—

1. Some local Acts, dealing with similar subject-matters, are almost identical, and the Indian statute book has thus, at some waste of time and expense, been encumbered with several enactments when one general measure would have sufficed.
2. The wording and structure of the Acts of one local Legislature differ from those of others, and from the Acts of the Governor-General in Council:
3. The wording of local Acts is sometimes loose and ambiguous, and in some cases the want of arrangement is such as to lead to confusion.

4. Some Acts are needlessly inconsistent with others of the same kind.
5. There is a decided want of harmony in the principles underlying the enactments of the various Indian Legislatures.
6. The subjects proscribed by sec. 43 of the Councils' Act are sometimes touched without the previous sanction of the Governor-General in Council. So, either from ignorance or carelessness, Acts are passed, which affect *in pejus* the jurisdiction of a High Court, or alter some Act of the Governor-General in Council passed subsequently to 1861.

The first objection is of no value. It is laid down in the Secretary of State's despatch, which accompanied the Councils' Act, that the Supreme Legislature should not interfere with matters of local administration. The objection seems to assume that all legislation should be general and uniform for all parts of India, but the same despatch lays it down that "the circumstances of different parts of India are widely different, and may, even under the same general head of administration, require widely different measures of a practical character, and it will be no ground for condemning a measure for any particular subject passed for one Presidency that it differs in some respects from another measure on the same subject for another Presidency." A want may be felt in one Presidency and not in another. The second objection also is unimportant.

There is some truth in the third and fourth objections, the reason being that Acts are sometimes drawn by persons, who have but an imperfect acquaintance with the *corpus*—a very vast *corpus* now—of Indian law. In my article on "Indian Codification" occurs the following passage in this connection: "The Indian draftsman must not only know what to say, but also what to abstain from saying; and this knowledge can only be obtained by long study and residence in India. To draft even the simplest Act, the draftsman must have at his finger's ends the whole body of existing law on the same subject. The Indian draftsman should know the statute law, the case-law, native law, and local usage, as well as the English statutes and reports as are known to Parliamentary draftsmen." A Legislative Secretary, intimately acquainted with every branch of the administration, is as much a *sine quâ non* for a local Council as for the Supreme Legislature. Acts will certainly be best drawn by persons who are on the spot, and who are thoroughly acquainted with the existing state of the law, the objects it is intended to effect, and the habits of those to whom the law is to be applied.



The fifth characteristic (where it exists) is but the natural consequence of having different local Legislatures to make laws for different parts of the country varying much in their circumstances and condition. This objection is vague, and there does not seem to be much meaning in it. Octroi duties, for instance, are found suitable to some provinces and not to others. To prevent experiments in administration being made until they are universally approved, would often be to defer them for ever; the alternative of forcing on a Presidency a policy which it disapproves, is the very evil which the Indian Councils' Act was intended to prevent. At present each Presidency experiments upon itself for the benefit of all India. It would be impracticable to pass a uniform sanitation Act for the whole of India; but the fact that one Province does not desire systematic sanitation is no reason for depriving another province of it.

As to the sixth objection, it cannot be said that local Legislatures often make mistakes in the points referred to. Errors, however, are committed sometimes, the most recent instances being the Calcutta and Bombay Municipal Acts, to validate which a special Act (XII. of 1888) had to be passed in the Supreme Council. But it is doubtful whether even thorough familiarity with Indian law, and particularly Constitutional Law, could prevent the occasional occurrence of such mistakes. For instance, very difficult questions may arise as to whether a local Legislature can extend the territorial operation\* of an Act of the Governor-General in Council which it is not competent to amend, or as to whether any particular provisions should or should not be construed as taking away any of the jurisdictions conferred on a High Court by the High Courts Act, or by Letters Patent.†

As has been remarked above, almost all local Bills ought, before they are introduced, to be sent to the Government of India for consideration or at least information. But it may be said that, in the case of measures of wide extent and complexity, the Select Committee often make very substantial amendments and alterations, which render it advisable that the Government of India should see the Bill again after the Select Committee have done with it. To make any such rule

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\* I, of course, do not refer to such Acts as the Easements Act, in which power is specially given to Local Governments, to extend to their territories whenever they think fit.

† An Act which merely removes the possibility of some contingencies arising, on the happening of which a High Court might exercise its powers on the original side, or on hearing an appeal, in other words, which merely affects the extraordinary or appellate jurisdiction of a High Court, would probably not be held to take away any of the jurisdiction of the High Court.—8 Bom. H. C. R. 195.

would not only savour of excessive supervision and undue interference, but (I speak from personal knowledge of the Bengal Council) it might not always effect the object aimed at. In the Supreme Council, nearly every Bill is substantially passed as arranged by the Select Committee; specific amendments may be subsequently introduced, but there is no close examination and revision of the whole Bill. The procedure of the Bengal Council, on the other hand, very much resembles that which obtained in the Council of the Governor-General prior to the passing of the Councils' Act of 1861. Every Bill is subjected to careful examination and revision throughout by a Committee of the whole Council after it comes from the hands of the Select Committee, and a Bill frequently undergoes material alteration as to arrangement, wording, *and substance*. It follows that it might, in certain instances, be no good to send to the Government of India the Bill as revised by the Select Committee, as the Council might set aside the suggestions and amendments of the Select Committee. There are doubtless evils in the independence and free discussion of local Councils, and those evils may become intensified in the future. But there are corresponding benefits also, namely, publicity, popularity, adaptation of laws to the special wants of a Province, and that heightened interest in local matters which results from being uncontrolled in dealing with them.\* These benefits would be much diminished by an anticipatory *censorship* on the part of the Government of India. I purposely use the word *censorship* as connoting a minute, unnecessary, or vexatious interference. But a preliminary inspection of policy and principles is obviously indispensable on broad grounds of State necessity, and is in accord with the constitution.

All local Bills are submitted not only to the Government of India, but to the Secretary of State also, the Governments of Madras and Bombay submitting their Bills direct. A local Bill is submitted either generally for approval, or specially for sanction under the 43rd section of the Councils' Act, or for consideration of penal clauses. In any case it is the practice for the Executive Department to consider it from an administrative point of view, and it is then sent to the Legislative

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\* Rapidity of legislation would be, it was hoped, one of the characteristics of local Councils; and until comparatively recently, has been so. But the cloven foot of the "debating Society element" (which proved so disastrous in the Supreme Council before 1861) is beginning to make itself apparent. This element, however, can always be kept in check by the power which the President has of framing and altering, as circumstances may demand, the Rules of business. The present Rules, if properly observed and enforced, ought to be sufficient to prevent waste of time.



Department for examination as to whether there are any objections to it, other than objections on grounds of policy. But a communication conveying approval of the penal clauses of a Bill does not imply the expression of any opinion on the part of the Governor-General upon the other portions of the Bill. The Home Department is always at liberty to note any administrative defects in a measure for the Governor-General's information, while the Legislative Department considers if it is in any way *ultra vires*, or inconsistent with the general principles of Imperial Legislation. It is for the Governor-General to decide whether objections are to be communicated to the Local Government, and if so, in what form.

As regards the transmission of Bills to the Secretary of State, the Legislative Department simply acts as a post office. In the examination of local Bills, and in any communications to the local Governments which may appear necessary on such examination, one important point is always kept in view, and that is, that nothing should be done which would tend to fetter the Governor-General in the final exercise of his power of veto, after he has had before him the discussions in the local Legislature and the comments of the public.

#### VI.—POSITION OF OFFICIAL MEMBERS OF LEGISLATIVE COUNCILS.

Ought the members of the Governor-General's Council to follow the rules and practice of the English cabinet, and exhaust all differences of opinion on important Government measures by discussion in the *Executive* Council, so that they may act with thorough unanimity in the Legislative Council? Is a Government member at liberty to oppose a Bill, because he strongly objects to it, or is he bound to abstain from opposition?

The rule \* that a Government member should not appear as

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\* "Rule" is hardly the word to use; but the intention of Parliament may be inferred from the debates that took place. 3 Hansard, 154. The Earl of Derby said: "When I look at the mode in which the Council is to be constituted, and see that one-half of the members who are to be added, may be persons holding official situations, and that the whole of them are to be selected by the Governor-General himself, I think there is no danger of the Council exhibiting a great appearance even of independence, or at all events of hostility to the Governor-General, or any desire, even if they had the power, of overruling any decision of his. On one point, I believe, there is no difference of opinion—namely, that the Legislative Council, as lately constituted, not by the intention of Parliament, but by the course pursued in India and acquiesced in here, ought not to be permitted to continue: that the system of a little mock Parliament is wholly unsuited to the circumstances of India, and to the position which the Council occupies there." Earl de Grey and Ripon said: "To the objection that the Council, as proposed to be constituted by the Bill,

an opponent of a measure, which the Government of India as a whole think ought to be passed, is reasonable and sound. But the rule cannot be pushed so far as in England, as it is not practicable to offer to the members of the Government of India the same alternative which is offered to English cabinet ministers. Divergencies of judgment in the secret Executive Council of the Government of India are far less serious than open differences of opinion in the Legislative Council. It is the open differences which become publicly known, which tend to prevent cordial co-operation between members of the same Government. The bitterness of feeling which prevailed at Lord Liverpool's death among the members of his cabinet has been attributed, not to the internal discussions of the ministry, but to the fact that these discussions were constantly kept before the public in the debates on Roman Catholic emancipation. Such open differences of opinion must have the effect of weakening the power of the Government to discharge its executive duties, which are its really important duties. In a country like India, especially, where such large and positive inferences are commonly deduced by the public and the press from facts insignificant or imperfectly ascertained, it is almost certain that public opinion, both native and European, would argue from frequent differences in public to frequently divided counsels in private, and thus the executive action of Government would run some risk of not being believed to have emanated from that concentrated purpose which is the first condition of its effectiveness.

But it may be argued that the analogy of the English cabinet is hardly apposite. The cabinet represents a party, and has to carry out a party policy in the face of a watchful and generally

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would prove more unmanageable than the present Council, he could only reply that the members of the existing Council held their seats *ex officio* and were appointed by other authority than that of the Governor-General; whereas the additional members of the proposed Council would be selected by the Governor-General, and would hold their seats for only two years. . . . It was scarcely possible to imagine a case in which the selected members, one-half of whom were to be persons actually in the Service, would combine to defeat a Bill brought forward by the Governor-General; but, if such a case did occur, it would afford tolerably strong grounds for supposing that it was not altogether desirable that the measure should be passed." On the other hand, I find the Earl of Ellenborough said: "Now, their Lordships could hardly be aware of the entire and absolute independence of the gentlemen of the Civil Service. They might depend on it that they could not induce gentlemen of high character and station in the Civil Service to enter the Council if it was thoroughly understood that they were always to vote with the Government. . . . If they gave the Governor-General in Council the power to make an ordinance which would last for six months, that would be quite sufficient to meet any misconduct of the Legislature."



hostile opposition ; the Governor-General's Council is not constituted for party purposes, and differences of opinion need not necessarily engender bitterness of feeling, as they neither endanger Parliamentary seats nor places under Government. In the Indian administration, there is not, or ought not to be, any opposition for opposition's sake, which is so lamentable a characteristic of Parliamentary Government in England. Nevertheless, differences of opinion constitute an element of danger, and if they were marked or frequent, might necessitate a change in the *personnel* of Government.

Let us take the case of the Governor-General's Council. Ought it to be allowable for members of the Executive Council to oppose, openly, at a Legislative meeting, an important Government measure, the expediency and necessity of enacting which have been deliberately affirmed by a majority of the Council, including, of course, the Governor-General ? \* It would certainly be inexpedient and impolitic for a dissentient member (or even a dissentient minority) thus to make known and accentuate a difference of opinion. It might be productive of great mischief if a new tax, proposed after mature consideration, and perhaps in a serious financial crisis, with the assent of the Governor-General and a majority of his Executive Council, were to meet with public and open opposition from a dissentient minority of that Council. Much more disastrous would it be in the case of some measure, on which the public peace or the safety of the Empire depended. There are strong reasons why a high and unselfish consideration of duty should lead a dissentient member (or a dissentient minority) to defer to the opinion of the Governor-General and the majority of his Council. These reasons are in part incidental to the constitution. It must be borne in mind that the constitution allows the Governor-General to override his Council in certain matters. A majority, which includes the Governor-General, is a peculiar and emphatic majority. It is quite impossible, as far as important measures of policy are concerned, to distinguish between those which do, and those which do not require legislation ; a Government Bill is simply a means of carrying out an order of the Executive Government that a new law be made or the old law altered in some particular.

The authority of the corporate Executive Government over its members in their legislative capacity is one of the elements of the Indian constitution, and is merely the result of a number of Parliamentary statutes. Any other doctrine would be

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\* If the Governor General were opposed to a Bill, it would not be introduced as a Government measure.

antagonistic to and subversive of the constitution. If unlimited liberty to oppose is conceded, unlimited liberty to propose must also be conceded. Could a member of Council, apart from the wishes of the Government of India, propose in the Council Chamber the abolition of ecclesiastical offices, the repeal of the income tax, or the imposition of a tax on marriages, tobacco, or pân ? Clearly not. If, then, the negative policy of the Executive Government is to prevail against an individual member, it would seem to follow that its affirmative policy should similarly prevail. At the same time it is open to a dissentient member to record his dissent in an executive minute ; and if legislation were not urgent, it might be proper for the Governor-General and the majority to refer the question for the orders of the Home Government.

But no definite or rigid rule can be laid down for all cases. There are questions in which the province of politics or pure administration touches and overlaps the region of morals. It would be impossible to argue that a man is bound to vote against his conscience or against his convictions in a question of morality or religion. I use the word morality in its narrowest sense. But such questions would rarely occur. Apart from such questions, or in other words, in all questions of pure administration, it would appear to be the duty of a dissentient member, not only to abstain from opposition, but to support an important Government measure by his vote. In fact, it appears to be the ordinary rule, that members of the Government should exhaust all differences of opinion in their executive discussions, and then act together in the Legislative Councils in accordance with the opinion of the majority.

The above remarks and conclusions are equally applicable, and for the same reasons, to the Councils of Madras and Bombay. The neglect of the rule has recently interfered seriously with the legislative efforts of the Bombay Council. It would lead to serious scandal and complications, if a member of a provincial Council could defeat a policy, which had been approved not only by his own Government, but by the Government of India and the Secretary of State in Council. The Government members of a Lieutenant-Governor's Council are or should be even less independent than the members of a Governor's Council. In Bengal, the Government members generally include a member of the Board of Revenue, the Legal Remembrancer, a Secretary to Government, and the Head of the Education Department. The Advocate-General is by statute a member. There is probably more freedom and latitude of discussion in the Bengal Council than in any other Council. This is, perhaps, natural



in the metropolis of what is, in one respect,\* the most advanced province in India. Amendments brought forward by native members are sometimes supported by official members, even when those amendments substantially alter the policy of some particular provisions of an Act†. Such independence may, in the case of certain measures, improve the quality of legislative work; but official members should not forget that it is their duty to support the Head of the Government in those cases in which he is of opinion that it is essential, in the interests of the Empire or of the Province, to pass a particular measure, or at least some portions of it intact. A local Bill must after all run the gauntlet of three assents, those of the Lieutenant-Governor, the Governor-General, and the Secretary of State, and in deferring to the opinion of the Head of the Government in important measures of policy, an official member merely evinces his appreciation of the fact, that it is useless and unjustifiable to kick against the pricks of the constitution.

Local legislation has, from time to time, shown that members of local Councils are not so familiar with the written constitutional law of India as they might be. I state this fact with all deference. A powerful Legislative Department forms an integral portion of the Government of India. Important matters in other departments are sent to the Legislative Department for opinion or revision, and in this way the members of Council and Secretaries of all departments can, and do without any special study, become acquainted with a considerable portion of Indian Constitutional Law. There is no such Department in the Bengal Government, the Assistant Secretary being merely the clerk of the Council.‡ It may be said that the Government has its Law officers; but unfortunately, innocence of the very rudiments of Constitutional Law seems to be no obstacle to appointment to the post of Advocate-General.

To sum up what are the possible courses, I will not say open to, but to one of which an official member should resort, when he disagrees with a Government measure brought forward in the Legislative Council:—

1. He may be present, and oppose the measure by argument and vote.
2. He may be present and give a silent vote against it.

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\* In respect, I mean, of higher education. Madras is far ahead in primary education, and several Provinces are ahead of Bengal in material progress.

† I might instance some of the amendments (notably those regarding the principles of taxing house-property in the native town) during the passage of the Calcutta Municipal Bill of 1888.

‡ He is never required to note, from a legal or constitutional point of view, on proposed administrative acts or measures.

3. He may be present and give a silent vote for the measure.
4. He may absent himself.

Of course it is out of the question to expect a member or responsible official of Government to *speak* in support of a measure to which he is opposed, though this is sometimes done in the House of Commons.

The fourth course is to be altogether deprecated, as it might create an altogether erroneous or exaggerated idea of the extent of difference of opinion. The third course would appear to be incumbent in all cases in which the Governor-General and a majority of his Council (or the Lieutenant-Governor) were of opinion that it was necessary, for the safety or interests of the Empire, to pass a particular measure. Indeed, even less urgent State reasons (*e. g.* a question of taxation) would seem to point out this course as the one to be followed in the very large majority of instances. The first and second courses appear to stand together; from the point of view of a member's duty, there does not seem to be any material difference between them. I mean, that even the less marked opposition implied in the second course, would only be justifiable in those very exceptional cases, in which a serious question of conscience might be at stake; and if an official member might silently vote against a measure on strong conscientious grounds, most Englishmen, I apprehend, would be in favour of allowing him also to speak against the measure, as that might be the only means of satisfying some consciences.

#### VII.—ADDITIONAL MEMBERS OF THE GOVERNOR-GENERAL'S LEGISLATIVE COUNCIL.

These members are either official or non-official. The former are Government members and, as such, their position and freedom are of the same character and extent as that of members of the Executive Council. Non-official members are quite independent and vote as they please.

It has sometimes been supposed that an official additional member, selected for his knowledge of some particular province, is the representative or mouth-piece of the administration of that province. This view is not correct, and it is in no way supported by the language of the Act under which additional members hold their offices. But if an official additional member is, as is generally the case, in charge of a Bill especially affecting the local interests of his own province, it is no doubt advisable that he should communicate freely and personally, but unofficially, with the Head of the Local Government, the Board of Revenue, or any other body or officer possessing special knowledge of the subject-matter



of the Bill. But all official communications are addressed to the Secretary to the Government of India in the department to which the particular business appertains.

The Home Government attaches a good deal of importance to the attendance of the non-official additional members at deliberations of the Legislative Council. But having regard to the actual experience of the past, it may well be doubted whether the value of such attendance has not been over-estimated. However, in pursuance of the views of the Home Government, regular legislative sittings are held in Calcutta, and all measures of great importance are then enacted. Measures relating to individual provinces under the Government of India (*e. g.* Assam and the Central Provinces) are generally passed at Simla, and the period of residence there is also properly devoted to the executive preparation of legislative measures, which are afterwards discussed and enacted in Calcutta. The technical details of heavy Bills are also dealt with at Simla, and laws arising out of any emergency are, of course, framed as and whenever the necessity arises. Official additional members are, as a rule, only summoned to Simla for the purpose of preparing and working out the details of measures in which special or local experience is required; and their assistance in this respect enables the Legislative Department to get through work which unaided it might not be able to accomplish within the required period.

*Simla vs. Calcutta as the Seat of the Indian  
Legislative Council.*

It may, no doubt, be conceded that the spirit of the Indian Councils' Act of 1861 would be violated by any system of legislation which did not admit of the attendance at Legislative meetings of the *largest* number of additional members of Council *possible under the circumstances*; and any method of transacting legislative business, which prevents the attendance of these members, would no doubt defeat the intention of the Imperial Legislature. The question is, whether Calcutta is as convenient a place as Simla. European mercantile members can only attend in Calcutta: but Simla is probably more convenient for other non-official members. The objection to Calcutta on the score of health is, perhaps, not so strong as it used to be, but it has by no means passed away. There have been two instances of native members from other Provinces having fled after attending only one legislative sitting, and natives, other than Bengalees, still have a prejudice against, and a dread of remaining long in Calcutta. There is at present a demand for more representation of the educated classes, and there can be little doubt that non-official native members

from all parts of India except Bengal) would more readily attend at Simla than at Calcutta. A discussion whether Simla or Calcutta is the better for the sessions of the Legislative Councils brings us perilously near the Hill-exodus question, which has been threshed out almost *usque ad satietatem*. Perhaps that question received a little extra light and illustration, when the High Court judges, and almost the whole of the Calcutta bar fled helter-skelter up to Darjeeling from the intense heat of June 1888, while officials in the mofussil, where the thermometer stood higher than in Calcutta, sighed with envy and wished that, like a certain High Court judge, they could declare their Courts closed till the ensuing rains. Members of Council cannot leave India, while High Court judges rush to England almost every year.

There can be little doubt that regular legislative sittings at Simla would be more likely to conform to the policy and wishes of the Home Government, as regards the attendance of as many non-official members as possible. The repugnance to the climate of Calcutta is not confined to Indians. It is shared by English statesmen, who are thereby deterred from accepting appointments in this country. The dignity and emoluments attached to high office in India would be sufficiently attractive to public men, if they were not accompanied by conditions which detract materially from their value. The objections against Calcutta are not exaggerated: a long series of broken-down constitutions and premature deaths cannot be reasoned away. When the question was discussed twenty years ago, it was shown that of the three immediate predecessors of Sir John Lawrence, one died in India, and two only survived to reach home; that Mr. Wilson died in his first year of office, and his successor, Mr. Laing, was forced to return to England in broken health the year after he came out. The High Court is not without its painful statistics of death and disease. Nor is the maintenance of Calcutta as the seat of Government called for by any considerations of State necessity or policy. The weightiest reasons for its retention are that it is the ancient seat of British Empire, it is connected with old associations, and a removal would involve heavy expenditure. All these arguments were for years urged against the removal of the courts of law from Westminster Hall, and yet that removal has at last been accomplished. If capital be taken to mean the actual seat of Government, Simla has now been an alternative capital for fifty-six years. Had Lord Elgin lived, he would never have visited Calcutta again, though three years of his term of office were still left. The theory that Calcutta was the capital, was, for a long time, preserved only by a fiction,



and a fiction so transparent that, but for the proverbial fascination and vitality of legal fictions, it is surprising any body was blinded by it. The Governor-General's Council remained there under a president, invested nominally with the full powers of the Governor-General in Council. In point of fact, however, a division of business was made between the Governor-General in the Upper Provinces and the President in Council at Calcutta, on the principle of leaving to the latter all business which was of a simple, routine or common place character. Every thing which was of importance went directly to the Governor-General.

This part of our subject may be fitly concluded by an extract from a minute written by the late Sir Henry Maine in 1868 :—

“Discomfort and disease have so long been the conditions of official life in India, and so much admirable work has been done under those conditions, that there is a disposition in some minds to regard them as indissolubly associated with the good government of the country. Yet surely, in settling the question of the capital, it is unreasonable to leave out of account the discovery made thirty or forty years ago, that Nature has been less unkind to us than had been supposed, and that within the geographical limits of India there are climates in which the English race retains or regains its native vigour. I quite understand the necessity of guarding against the temptation to over-rate the value of these climates, and to under-rate the difficulty of utilizing them. Yet there may be prejudices of the opposite kind, and the censors of resort to the hill climates should be sure, that unconsciously they are not arguing as a conservative of the Spanish Indies may have argued against the use of the Jesuits' bark in fever, as a practice in itself effeminate, and calculated to excite *ill feeling in those who could not afford to purchase the new drug.* . . . . There is no economy which a Government can practice like the economy of its servants' health and nerve ; it may be compelled to expend them on mere resistance to unfavourable physical conditions, but if it goes an inch beyond absolutely necessary expenditure, it is guilty of the most foolish form of prodigality.”

Sir Henry Maine mentions that Lord Elgin had intended to assemble in the cold weather following his death both the Executive and Legislative Councils in the neighbourhood of Lahore ; and had this idea been carried out, it is probable that each of the great Native cities would have been visited in turn. In this way the Supreme Government would have become peripatetic. “If,” said Sir Henry Maine, “it be objected that there is no example of such a Government, I answer first, that the fact is not so, since almost all Governments originating in the conquest of hot countries by persons born in a cooler climate have been, as a matter of fact, more or less peripatetic, and that, even if the objection were well founded, the British Empire in India is too novel and

extraordinary an experiment to be dependent on any precedents, except those which its own experience furnishes."

#### VIII.—DISCUSSION OF BUDGETS.

It has been announced during the present year that there is to be a fuller and freer discussion of the Budget "under certain restrictions." What those restrictions are to be, is not yet known to the public, but it is said that the Home Government is in perfect accord in the matter with the Government of India, and that a Bill will be passed to legalize any alteration of the present system.

Some explanation of the present system seems here to be called for, because it is doubtless not generally known, that even this system is not strictly in accord with the provisions of the Indian Councils' Act (ss. 19, 29, and 38).

"No business shall be transacted at any meeting for the purpose of making laws and regulations \* \* \* other than the consideration and enactment of measures introduced into the Council for the purpose of such enactment; and it shall not be lawful for any member or additional member to make, or for the Council to entertain any motion, unless such motion be for leave to introduce some measure as aforesaid into Council, or have reference to some measure actually introduced thereto." Sec. 29 enacts that the additional members are to be members of the Council, "for the purpose of making laws and regulations only."

It was stated by Sir Charles Wood that one of the objects of these provisions was to prevent the Legislature from interfering with the functions of the Executive Government, and occupying its time with matters which are not directly or immediately connected with the special duties assigned to it. The Duke of Argyll said that the evils of the system established in 1853 was, that there was a tendency on the part of members of the Council to interfere with the executive acts of the Government. The grave complications which had occurred in the Governor-General's Council prior to 1861, owing to the unseemly arrogation of authority by certain of its members, had become a matter of notoriety, and hence the precision and stringency of these provisions to give effect to the deliberate intention of Parliament, that the Legislative Councils should not exercise any administrative functions whatever, or have any voice in the Executive Government of the country.

While the law\* remains as it is, no statement or discussion of the Budget in Council can be legal, unless it have reference to some measure introduced, or to be introduced, into the Council for enactment. If any Bill involving the slightest alteration of taxation be introduced—if even the Income Tax Act had

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\* 24 and 25 Vic. c. 67, ss. 19, 38.



to be annually renewed as was formerly the case—a public financial statement and discussion would be legal. As a matter of practice, however, the Financial Minister makes his statement publicly, and this evasion of the Act has the sanction of the Secretary of State. Possibly Local Legislative Councils might be permitted to evade the Act in the same way, but they have not done so hitherto. If publicity is what is aimed at, it can be attained with equal certainty and less inconvenience by sending the Budgets to the press. They will thus obtain the widest publicity, and evoke (or at least afford an opportunity for) criticism from every class of the community. If it is desired to give an opportunity for discussion to the non-official additional members of Council, it should be borne in mind that this would do away with the power of the Governor-General, or a local Governor, to prohibit the discussion of topics which he considers undesirable, and so materially alter his position as regards his Council. It can hardly be desirable that the Legislative Councils of Madras, Bombay, Bengal and the North-West Provinces, should acquire a definite right to discuss and criticise the whole executive business of their respective Provinces in so far as they involve questions of finance. Their doing so might put the Supreme Council in a very false position. The value of criticism is much diminished when it proceeds from an irresponsible body ; and it cannot be too clearly kept in mind, that additional members of the Legislative Council are absolutely irresponsible for their acts or the consequences of their acts. They can neither be removed during their tenure of office, nor be held answerable for aught they do. It is anomalous and contrary to all sound principle to invest a body thus constituted, thus irresponsible, and without even a representative character, with the power to discuss, modify, and perhaps overrule the whole executive policy of the Government. "Parliamentary responsibility," it has been remarked by Sir James Stephen, "arises from the fact that the man who is to-day in opposition may be to-morrow in power, and may then be obliged to act up to the principles which he has advocated when in opposition. This can never be the case in India. If Government were in a minority, it would not have to go out, nor would those who had succeeded in turning it out come in their turn. In this state of things it is obvious that the criticism of additional members is emphatically irresponsible. It is the criticism of persons who can never be called upon to apply their own principles to practice."

As a matter of fact, the proceedings of Legislative Councils in India are marked by a considerable degree of formality coupled with the utmost publicity. This formality, and this

publicity may not have been altogether contemplated by the Councils' Act of 1861, but *quod fieri non aebuit, id factum valet*. It is too late to go back now. One of the chief objections taken by the Marquis of Dalhousie under the Act of 1853 had reference to the formality and publicity of its debates. Lord Canning was of opinion that the business of the new Legislative Councils should be conducted as in a committee or commission, and not in the form of a set Parliamentary debate; and in the discussions which preceded the passing of the Act of 1861 in both houses of Parliament, reference was frequently made, mostly in terms of condemnation, to the numerous standing orders made by the Legislative Council of 1853, and the unwisdom of converting the Councils into petty mock Parliaments was constantly dwelt on. Yet, no sooner was the Act of 1861 brought into operation, than arrangements were made in each Council for prescribing forms of procedure very similar to those observed in other legislative assemblies; the proceedings were practically thrown open to the public, the admission of reporters was allowed, and all this was done under the authority of standing orders, which received the sanction of the Secretary of State by whom the Act was introduced. The fact is that Parliament endeavoured to reconcile two things which were irreconcilable, namely, the informality of procedure which obtains in a cabinet or committee (the proceedings of which are either strictly private, or if published, are published in an abstract form, or in the form of a report stating the *result* of the committee's deliberations), and the publication from day to day of the speeches delivered, and the remarks made, by the members of a Council. Lord Canning did not contemplate this latter arrangement, and it may be inferred from the opening speech of Lord Halifax in introducing the measure of 1861, that his views on this point coincided with those of Lord Canning; but when the question of the daily publication of the proceedings of the Council was raised in the House of Commons, the reply of the Secretary of State was to the effect, that this matter would be left to the discretion of the Governor-General. As we know, the result has been that the debates in the Indian Councils are published from day to day, and that the official reports of them are as full and detailed as Hansard's. The only trace that the reports bear of what appears to have been originally contemplated, is that they are headed "Abstracts of the Proceedings of the Council," the fact being that they are in no sense abstracts, but are full and complete reports.

This matter has been gone into at some length in order to show that the original design of the framers of the Councils' Act has already been widely departed from in one very important



point. In truth, the submission to the Legislative Councils of Budgets dealing with the finances of the country, whether imperial, or provincial, or local, is an arrangement which, so far as can be gathered from the debates, was not contemplated by the framers of the Act of 1861. Nevertheless, during the whole of the period which has since elapsed, the exposition of the financial measures of the year before the Council of the Governor-General has been an event of annual occurrence. These Budgets are not voted on by the Council, but they are liable to be subjected to criticism of a searching character in debates which are forthwith published and circulated throughout the country. And not only is there, on these occasions, a general exposition of the financial position of the Empire, but the several members of the Executive Government deliver expository statements of the operations of the several departments under their charge, which are similarly liable to comment and criticism from the other members of the Council. It is not only, then, in the form and publicity of the debates, but in the nature of the subjects brought under discussion, that there has been, in practice, a departure from the avowed intention of the framers of the Act of 1861.

In order to enable Local Governments to deliver themselves of "financial expositions" analogous to those in the Governor-General's Council, it was at one time proposed that an Appropriation Bill (the schedule of which would consist of the Budget) should be annually introduced, thereby enabling members, without any contravention of sec. 38 of the Councils' Act, to discuss each item. As might have been expected, this proposal was not considered advisable or even possible. The passing of the Appropriation Bill in the House of Commons is a proceeding by which authority is given to carry into effect the resolutions of the House passed in Committee of Supply, which, till the passing of the Appropriation Bill, are not law. The Bill enumerates every grant that has been made during the whole session, and authorises the several sums voted by the Committee of Supply to be issued and applied to each separate service. It also contains a provision that the various aids and supplies shall not be issued or applied to any other uses than those mentioned. It is obvious that such a proceeding would be utterly out of place in India, and would have the effect of removing from the Executive to the Legislative Council the power of disposing of public monies.

#### IX.—PUBLICITY OF INDIAN LEGISLATION AND OPPORTUNITIES FOR PUBLIC CRITICISM.

It may safely be affirmed that there is no country in the world in which the public have such opportunities of having their

say regarding pending legislative measures as in India. In no other country are Bills made so accessible to the public, or at least to that portion of the public which has either the desire or the ability to criticize.

A Bill of the Supreme Council, together with a statement of its objects and reasons, is published in the *Gazette of India*. If the Bill is of any importance to the public, or any section of the public, it is also published in such vernacular languages as the Council may direct. Then the Select Committee's report must not be made sooner than three months from the date of the first publication of the Bill. Again, if a Bill is much altered in Select Committee, it is often republished in its altered form. In fact, publicity in India has been pushed to such an extraordinary length, that it has been accurately remarked, that it is a man's neglect alone which can prevent him from being in a position to consider any Bill on which he desires to form an opinion. The Government of India have brought the horse to the water, but they cannot make him drink.

In this matter as in many others, the Government, being a bureaucracy, goes out of its way to avoid the imputation of legislating in an autocratic, bureaucratic or despotic manner. In theory, the vernacular translations of Bills are supposed to reach the native community at large; but those who are conversant with the administration, know that they only reach the comparatively educated few,\* who would much rather have the English Bill than the vernacular. Even this small section often finds itself quite incompetent to criticise the scope and details of measures. In England no one dreams of inviting the opinion of every farmer or parish vestry on a measure dealing with land tenure, or codifying the criminal law. Only experts are consulted, as only experts could give an opinion worth having. In India, on the other hand, every provision is made for securing, or trying to secure the opinions of all sorts and conditions of men, of persons who in many instances have no opinion to offer, the subject-matter being altogether outside their ken. As to the people as a body, they are not reached by the vernacular Gazettes, nor is there any necessity to reach them in this manner. Even in European countries, no attempt is made, even by their Parliamentary representatives, to ascertain their opinions in nine cases out of ten; indeed, in many instances,

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\* What I mean is, that they are not wanted. A Mukhtar could get the vernacular translation, if he wanted it. But, as a matter of fact (excepting, perhaps, important subjects, such as landlord and tenant) criticism of a Bill in progress is a thing not "dreamt of in the philosophy" of even the more educated class.



the Parliamentary representative himself might not have any opinion, or at any rate not one worth hearing. But though the people in India are not reached by the vernacular Gazettes, it would not be true to say that the *vox populi* is untapped. It is tapped in a very few matters (*e.g.* tenancy legislation) by Pleaders and Mukhtars; but the principal tappers are the Magistrates and Collectors of districts, known as District Officers. This will be illustrated below.

In England the Government takes no direct steps to make the Bills before the legislature known to the public. They are not published in any Gazettes or newspapers. If a country gentleman wanted to read a particular Bill, he would have to write and get it from Messrs. Eyre and Spottiswoode, the Queen's printers in London. But it will perhaps be said that the public are made acquainted with pending or proposed legislation through the medium of the press. This is by no means always the case. A good many Bills of importance are passed into law which are not even so much as noticed by the press. Let me instance a most important Act, dealing with Criminal Procedure in Scotland, passed in the session of 1887. Mr. Ilbert, when he was Legal Member, had occasion to remark that Lord Cairns' Conveyancing Bill was criticized by no one outside the rank of professional lawyers, and by very few of them. His Settled Land Bills, which affect the position and powers of landed gentry throughout the country, met with little or no outside criticism. The Criminal Code Bill has been on the anvil and before the public for years; but the press has not taken the trouble to master its provisions. In India, when the legislature has under consideration subjects such as Trusts, Easements, or the Transfer of Property, on which only experts can give valuable opinions, the public are not merely invited, but they are almost forced to give their opinions. Even the most enlightened public bodies, such as the British Indian Association, have been unable to show a complete comprehension of such measures. The daily experience of the courts show that such acts are misapprehended even by native professional lawyers: and the absurdity of expecting valuable criticisms from ordinary laymen, native or European, hardly requires demonstration.

The remarkably "popular" character of Indian legislation is seen in the rule that *anyone* may address the Legislative Council regarding any pending Bill. The communication may be addressed, either in the form of a petition to the Governor-General, or in a letter to the Secretary. *Such communications are actually circulated to members of the Council!* Any more popular and democratic provision it is impossible to conceive. It must be borne in mind that Local Governments

are always consulted, and this means that a large number of administrative officers are consulted, as also the Bench and the Bar. Moreover, numbers of public Associations, recognized by the various Local Governments, are also invited to express their opinions. The result has been that the Legislative Department has at times been almost overwhelmed with masses of voluminous comments, which naturally contain a good deal that is worthless. Of late years Local Governments have been compelled to consult only selected officers; but in measures of great importance, all officers are consulted. As long as the rule remains in force that all communications must be circulated to members of Council, it is obviously essential that the bulk should not be needlessly increased, so as to prevent the wheat from being lost among the chaff. Congress orators have not realized what a *Magna Charta* the people of India possess in the right of the meanest subject to address and petition the Legislative Council, and to give his opinion on any pending legislation!

O fortunati nimium, sua si bona norint!

It has been remarked above that the *vox populi* is principally tapped by the Chief Executive Officers of Districts. All Local Governments are consulted by the Government of India. The former again call for reports from their executive (and in the case of legal measures, judicial) officers, and so the word is passed right along the line of the official hierarchy until it comes down even to the humble village Chokidar (policeman); and not only is information and criticism called for after the introduction of a Bill, but this is often done when it is merely proposed to legislate on a particular subject, and it is desired to ascertain whether it is necessary to legislate at all, and if so, on what lines. Let me give the most recent instance of this: The Government of India are considering the advisability of legislating about lepers, and a report has been called for as to whether leprosy has increased, and whether lepers are in the habit of annoying villagers by soliciting alms in a threatening manner or otherwise, and so on. Every District Officer has been called on for a report regarding his own district. He consults his Sub-Divisional\* officers and District Superintendent of Police. The latter calls for reports from the Sub-Inspectors in charge of every thana (Police Station), and these latter get information from the village chokidars about every single village in their jurisdictions. The Government of India and local legislatures thus have no difficulty in procuring a mass of accurate information on any possible subject.

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\* Districts are generally divided into several Sub-Divisions.



In this way a rough census of lepers has been taken, and the feeling of the people in regard to them ascertained. And this is done through an agency familiar to the people and without any difficulty or special arrangements. The legislation of the Government of India is based on complete and accurate information, subjected to criticism and discussion by administrators of ripe practical experience.

The treatment of lepers is, no doubt, a question on which the meanest cultivator might have an opinion. Let us take the case of measures, which it would require some intelligence and education to criticise, such as the amendment of the Code of Criminal Procedure, or a Bill dealing with the relations of landlord and tenant. The vast mass of opinions and criticism on the Bengal Tenancy Bill, (passed as Act VIII of 1885) has surprised English lawyers. Apart from official opinion, all classes gave their opinions, Pleaders and Mukhtars, Zemindars, Middlemen, Mahajans and cultivators. Besides the large Associations which are consulted direct by the Bengal Government,\* District Officers consulted every local body or petty Association in their districts. Sub-Divisional Officers convened special meetings at their houses, at which many of the provisions of the Bill were discussed by their own Amla, (ministerial officers), Mukhtars, petty educational officers,

\* The following is a complete list of the Associations in Bengal recognized by the Government :—

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| 1. European and Anglo Indian Defence Association, Calcutta. | 19. Mymensingh Barnch Indian Association                      |
| 2. British Indian Association.                              | 20. Mymensingh Landholders' Association.                      |
| 3. Eurasian and Anglo-Indian Association.                   | 21. Burrisal People's Association.                            |
| 4. National Mahomedan Association.                          | 22. Islam Association, Chittagong.                            |
| 5. Mahomedan Literary Society.                              | 23. Chittagong Association.                                   |
| 6. Suburban Rate-payers' Association.                       | 24. Bar Association, Noakholly.                               |
| 7. Jessore Indian Association.                              | 25. Tipperah People's Association.                            |
| 8. Moorshedabad Association.                                | 26. Behar Landholders' Association, Patna.                    |
| 9. Baranagore Rate-payers' Association.                     | 27. Indigo Planter's Association, Mozufferpore and Chumparun. |
| 10. Burdwan Association.                                    | 28. Bhagulpore Landholders' Association.                      |
| 11. Uterpara People's Association.                          | 29. Orissa Association.                                       |
| 12. Bali Sadharani Shaba.                                   | 30. Balasore National Committee.                              |
| 13. Seebpore Rate-payers' Association.                      | 31. Serampore Mofussil Association.                           |
| 14. Rajshahye Association.                                  | 32. Rohora Patriotic Association.                             |
| 15. Bogra People's Association.                             | 33. Santipore Rate-payers Association.                        |
| 16. Dacca People's Association.                             | 34. Howrah People's Association.                              |
| 17. East Bengal Landholders' Association.                   | 35. South Barrackpore Rate-payers' Association.               |
| 18. Furreedpore People's Association.                       | 36. East Bengal Association.                                  |
|   | 37. Krishnagar Rate-payers' Association.                      |

landholders and others. Even Chokidari punchayats \* were in some districts invited to express an opinion. But this Bill was an exception. For a whole decade it had been proposed and intended to pass some remedial legislation in favour of the Bengal cultivator, so that landlord opinion was on the *qui vive*, and the forces of landlordism were strongly arrayed against the Bill. It was, perhaps, for this reason that officials felt compelled to take unusual steps for ascertaining the opinions and wishes of the cultivators themselves.

It is the same with Local Councils. If the records of the Bengal Council be referred to, it will be seen that, upon every local measure of importance, there has been a full and free expression of native opinion. Moreover, native opinion is sounded on any questions of importance on which legislation is likely to become necessary. There can be no harm in my adducing the most recent instance: It has been recognized that Municipalities and District and Local Boards are everywhere crippled for want of funds, and therefore cannot effect any great improvements. The Government thinks that the only solution of the difficulty is local taxation for local needs. In this connection suggestions have been made, that the question of tolls on roads and bridges might be reconsidered, and also that of the imposition of octroi duties in Municipalities. On these subjects District Officers have been asked *not to give their own opinions*, but to ascertain enlightened *non-official opinion*. Probably in no country in the world is so anxious a desire manifested to legislate in accord with the wishes and sentiments of the people. This is, in a measure, owing to the fact that the Legislatures are official legislatures. Of the official legislators it may certainly be said that they are disinterested men, having no party to represent, with no desire but to benefit the country and the people, and do justice between class and class.

As might have been expected, the desire of the Government to give the utmost publicity to its legislative measures, (whether as Bills or Acts) has far outstripped the necessities of the case. It was hardly necessary to translate such Bills as the Transfer of Property or Easements Bill at all. As has been remarked, the few natives competent to give an opinion on its provisions would know English, and would actually prefer to consult the English original. And yet not only was this Bill published as first drafted, but it was again and again published as it underwent alterations. *Bill No. V, which was a very modified form of Bill No. III, was published in the following vernaculars: Urdu, Bengali, Ooria, Hindi, Tamil, Malayalam, Telugn, Kanarese, Mahratti, Guzerati!* Naturally all

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\* The agency appointed in each village or Union under Act VI, 1870, B. C., which assesses and collects the tax for the maintenance of the village Police.



this expense was incurred for nothing; the only criticisms received were received in English. Measures of this technical and abstract character cannot be translated into the vernaculars in a satisfactory and intelligible manner. Highly educated natives aver that they find it impossible to convey in the vernacular the technical shades of legal meaning by mere translation, or by anything short of exposition, and that although to a man knowing English, and sufficiently acquainted with the English original, the vernacular translation *might* be intelligible, yet even such a man would prefer to refer to the English version. Urdu is the most polished and widely spread of the vernaculars of India, and constitutes, indeed, a sort of *lingua franca*. Yet even the translations in Urdu are often unintelligible and so full of inaccurate renderings, that it is no wonder that vernacular translations of technical Acts can hardly be understood even by native lawyers. As to Bengali, Ooria, Hindi, and Mahratti, the translators have had to have recourse to Sanskrit words to supply an equivalent for some of the English terms,—words, which to the mass of the people, are as incomprehensible as the English itself would be. So an Englishman of the reign of Henry VII, having to translate the present Italian Code of Commerce, would resort to Latin.

During the Viceroyalty of Lord Ripon, a laudable, but as events have proved, a futile attempt was made to make Bills and Acts even more accessible to the public than they had hitherto been. As regards the great codifying Bills in connection with which the question of publicity had arisen, both the Viceroy and his Legal Member recognized that, no matter how clearly they might be drafted, they were of such a nature that, even with the aid of the fullest explanations, none but experts could hope to master their contents sufficiently to offer any useful criticism on them; that similar measures met with little or no criticism in England outside professional circles, while in India, the prospect of obtaining useful criticisms was much diminished by the difficulties of translation above referred to. But, as regards legislation generally, it was desired to give the public the utmost opportunity of criticizing Bills in progress, and also to distribute measures passed into law as widely as possible.

The first aim of the Government was to give the Press all the information in its power as to the object and necessity of any proposed legislation. It was, therefore, decided to publish a fuller and more popular Statement of Objects and Reasons, showing why a particular measure was required, and giving a short history of the circumstances which had led up to it, and an explanation of the effect it was likely to have on the subject matter and on the people. Pains were to be taken to make the statements as clear and intelligible as

possible to the ordinary unscientific mind ; and when the Bill had been brought in, the Bill itself and the Statement of Objects and Reasons, and (when this appeared desirable) the speech made by the member in charge in moving for leave to introduce it, were to be separately printed on cheap paper, so as to be available (with the vernacular translation), to the Press and selected public bodies. These were further to be sold at a low price to the public. They were to be procurable at all District Cutcherries throughout the country. Moreover, in order to encourage comments from the press, English and Vernacular abstracts of, or if necessary, full extracts from newspaper articles were to be circulated to members of the Legislative Council. Moreover, if the publication of any Bill in the vernacular was ordered, the Select Committee were always to state in their report the date on which the Bill had been published in such language, so as to ensure that the native community had had time to see and consider the Bill. It had been found that some delay occurred in bringing out translations of Acts passed, and it was therefore decided, whenever practicable, to allow an interval to elapse between the date at which an Act is passed, and the date at which it is brought into operation, so as to allow of sufficient time for the preparation and issue of translations, and for the preparation, issue, and due publication of the rules, without the help of which so many Indian Acts cannot be brought into effectual operation. At the same time it was not intended to prevent very short and simple, or very urgent Acts from being brought into force at once.

As regards the sale and gratuitous distribution, in a cheap form, of English and vernacular copies of Bills, Statements of Objects and Reasons, Reports of Select Committees, Debates, and Acts, it was settled that each local Government should make its own arrangements. The price of English copies was almost nominal, being only three pies per sheet of four pages, the rate decreasing if there were 64 pages or more. The whole set of papers published in a year was also made available to annual subscribers at the rate of *only two rupees*, exclusive of postage. The papers were to be printed by the Superintendent of Government printing at Calcutta or Simla. At the same time special arrangements were made in the Legislative Department to issue Urdu or Hindustani translations of Bills and connected papers and Acts, and also transliterated versions of the same in the Nagri character. All these papers, in English or a vernacular, were to be obtained *at all Cutcherries throughout the country!* It comes to this, then, that every trader, artisan, and peasant in the country had the Bills and Acts of the legislature almost brought to his very door, for in India, broadly speaking, almost every peasant, and certainly every peasant who would be likely to require a copy of an Act, has



occasionally to go to the District, or Sub-divisional, or Munsif's Cutcherry. The nominal price was intended to act as a sort of guarantee that the papers were required and not asked for from pure wantonness. In the same way missionaries, who preach in the bazars and villages, demand a pice for tracts, or the vernacular translation of a gospel, just to impose some sort of check on the wanton spoliation of their stock.

The Scripture tells us not to cast pearls before swine, and the Government of India, as might have been expected, failed in an attempt to secure universal criticism, such as no civilized country in the world has ever dreamt of making. As the sequel showed, the parturition of mountains brought forth a very ridiculous mouse. Year after year Bills and Acts and translations were made available for sale at the Government Cutcherries, and year after year the sales, at many places, were *nil*, while those in the most advanced districts were infinitesimal. In fact the whole business turned out to be such a monstrous farce, that in September 1888, the Legislative Department of the Government of India wrote and informed all local Governments that the supply of reprints and translations for *sale* would be at once discontinued, and asked whether, and to what extent, such supply for gratuitous distribution should be curtailed. The Collectors of districts in Bengal have reported that the documents are not merely unsaleable, but are not required, generally speaking, even for gratuitous distribution. The people in India have had opportunities of making themselves acquainted with, and criticising pending legislation, such as no other Government in the world has thought fit to grant. Fancy copies of Bills being available for sale in every booksellers' shop in small country towns in England! Even Justices of the Peace hardly ever see an Act, except the few they have to administer, much less a Bill. — Imagine Bills being distributed in England by Government agency to petty attorneys, shopkeepers, farmers, and labourers, and yet this is what the Government of India has seriously attempted! Such ultra-Radical benevolence in an Oriental country indeed takes one's breath away.

The facts in connection with this subject cannot be too clearly demonstrated, because Government is sometimes blamed by men who are educated enough to know better. Errors regarding the action of the Government in India are Protean in their variety, and possess the vitality of a hydra. I have therefore considered it necessary, in the interests of truth, and in vindication of the Government, to lay bare the incontrovertible facts. The importance of the subject is a sufficient excuse for my reproducing *in extenso* a return submitted from one of the largest, and certainly not one of the least important districts in Bengal. These statements were called for from every district:—

Statement showing the number of Printed Acts received and sold during the year 1888-87.

DISTRICT.	Description of Acts.	NUMBER.		Price per copy.	Number sold.	Value realized.	Number of copies remaining to be sold.	REMARKS.
		Balance of last year.	Received during the year.					
	Marriage Validation Bill, in Bengali ...	16	.....	Rs. 0	3	...	16	
	Indian Salt Act Amendments Bill, in Bengali ...	16	.....	0	3	...	16	
	Transfer of Property Bill ...	16	.....	0	3	...	16	
	Telegraph Bill of 1884, in Bengali ...	16	.....	0	3	...	16	
	Bill to provide for the Registration of Permanent Tenures, in Bengali ...	16	.....	0	6	...	16	
	Bill to repeal part of Section 6 of the Indian Traffic Act, 1882 and to amend the Excise Act 1881 and the Bengal Excise Act 1878, in Bengali ...	16	.....	0	3	...	16	
	Indian Sea Passengers' Bill, 1884 ...	16	.....	0	3	...	16	
	Bill to enable the Commissioners of the Port of Calcutta to provide Docks ...	16	.....	0	3	...	16	
	Births, Deaths and Marriages Registration Bill, in Bengali ...	16	.....	0	6	...	16	
	Bill to amend Bengal Act III of 1879, in Bengali ...	16	.....	0	3	...	16	
	Canooongoes and Patwari Bill, in Bengali ...	16	.....	0	3	...	16	
	Indian Contract Amendment Bill, in Bengali ...	16	.....	0	3	...	16	
	Lard Acquisition (Mines) Bill 1885, in Bengali ...	16	.....	0	3	...	16	
	Report of the Select Committee, and the Bill to enable the Commissioner's of the Port of Calcutta to construct Docks, in Bengali ...	16	.....	0	3	...	16	
	Bill to regulate Ferries in Bengal, in Bengali ...	16	.....	0	3	...	16	
	Indian Registration Bill, 1885, in English ...	2	.....	0	3	...	2	
	Indian Tramways Bill, 1885, in English ...	1	.....	0	9	...	1	



A Bill rendering it permissive to the members of the Mahomedan community to declare themselves subject to the Mahomedan Law, in English ...	3	...	0	0	3	...	...	...	3
The Provincial Small Cause Court Bill, 1885, in English ...	2	...	0	0	3	...	...	...	2
The Income Tax Bill, 1886, in English ...	0	...	0	1	3	...	...	...	0
The Debtors' Bill, 1886, in English ...	4	...	0	1	6	...	...	...	4
Indian Bankruptcy Bill, 1886, in English ...	4	...	0	6	0	...	...	...	4
The Guardians and Wards Bill, 1886, in English ...	4	...	0	1	9	...	...	...	4
Suits Valuation Bill, 1886, in English ...	4	...	0	0	3	...	...	...	4
Criminal Procedure Code Amendment Bills, 1886, in English ...	4	...	0	1	0	...	...	...	4
Native Passengers Ships Bill, 1886, in Bengali ...	13	...	0	0	0	...	...	...	13
Bill to abolish Military Courts of Requests as established by the Indian Military Law ...	13	...	0	0	0	...	...	...	13
Invention and Design Bill, 1887, in Bengali ...	10	...	0	0	6	...	...	...	10
Indian Marine Service Bill, in Bengali ...	13	...	0	0	6	...	...	...	13
Bill to amend the Indian Stamp Act, 1879, in Bengali ...	13	...	0	0	6	...	...	...	10
Bill for the Protection of Game, in Bengali ...	10	...	0	0	3	...	...	...	6
Inland Bonded Warehouse Bill, in Bengali ...	6	...	0	0	3	...	...	...	6
The Metal Tokens Bills, in English ...	6	...	0	0	9	...	...	...	2
Measures of Length Bill, 1881, in English ...	2	...	0	0	3	...	...	...	2
The Probate and Administration Bill, 1888, in English ...	2	7	0	0	6	#5	...	...	2
The Succession Certificate Bill, in English ...	0	7	0	1	6	5	...	...	2

Memo. No.  
Submitted to the Commissioner of the Division.

MAGISTRACY,  
The 1st May 1889.

Magistrate.

\* Distributed to annual subscribers as well as to others gratis.

It will be seen that *only five* copies each of the Probate and Administration Bill and the Succession Certificate Bill were disposed of, and the note in the column of remarks shows that *these were not sold, but distributed gratis!* I find from the correspondence relating to this district, that the three principal men of the district are shown as subscribers, but apparently the copies were foisted on them *volentes nolentes*, as the sheristadar notes, in a somewhat naive Hibernianism: "These three are regular subscribers, *but they have never paid yet!*" Such, then, was the ludicrous anti-climax of the grand project for eliciting the opinions of all classes, even down to the school-master, the blacksmith, the Mukhtar, the cultivator, and the landless labourer, on Bills dealing with such matters as Taxation, Valuation of Suits, Native Passenger Ships, Inventions, Marine Service, Probate and Administration, Succession Certificates, Bankruptcy, the Port of Calcutta, Easements and Transfer of Property.

The British Government in India has enemies even among those who eat its bread and salt, and this renders the guidance of the ship of State all the more difficult; but while steering clear of the Scylla of conservative prejudices and opposition to all reform, it should take care not to be sucked in by the Charybdis of radical nostrums. They should view with suspicion the so-called panaceas propounded by philanthropical and irresponsible theorists, and act on the advice of disinterested administrators, who possess long practical experience of the country, and only desire the real welfare and happiness of the people.

#### X—REAL AND EFFECTUAL REPRESENTATION OF ALL CLASSES.

It will be seen, then, from what has been stated above, that to all intents and purposes, the masses are represented in the most effectual manner possible in the Legislative Councils of the country. They are not only represented by the administrators who live among them, and whose duty it is to report to the Legislature on any measures affecting their interests; but the official members of the Legislative Councils are also their truest and best representatives.

As regards greater representation in the Councils, it would be impossible to increase the number of non-official members so as to represent all classes without swamping the official element. This means that the character of the Legislature would be radically altered, and the constitution, as it now exists, subverted. If a number of non-official members be added, they must be added as assessors, entitled to give opinions only, but not votes. But what would be the result



of increasing the number of non-official members, whether entitled to give opinions only or votes? It would most assuredly result in a greater representation of a few classes (in Bengal, principally the zemindars and the lawyers), and a smaller representation of the masses. It has been very truly remarked that the best representation of the interests of the country and the people as a whole, is the official, and not the non-official member. The official represents all classes. One official may sympathise with the ryots to a greater extent than another : but no official can be called a partisan. They all do their best to legislate justly and hold the scales evenly between class and class. But non-official members avowedly represent some particular class or interest, ordinarily that to which they themselves belong. They are often pledged to support certain views, and to vote accordingly. The result of increasing the non-official element would be, to increase the representation (I speak of Bengal) of the landlord and lawyer classes, and possibly also of the English mercantile class. In any tenancy legislation, such a result would be most detrimental to the interests of the tenantry. In the passing of the Bengal Tenancy Act, the non-official members, broadly speaking, fought for the landlord interest ; had the ryots been represented by such members in the Council, the Act would have been more favourable to the tenant. Not that the Act is not favourable in many respects to the tenant, but that fact is due to the determined efforts of disinterested official members. Additional native members must be men of some position and rank, and such men would naturally favour the landlord interest, while experience has shown that, in matters of taxation, they will favour those measures which press more hardly in proportion on the poorer classes than on the wealthier. I may note as a signal instance, the readiness displayed to increase the salt duty rather than impose taxation on land or personal incomes.

Surely the experience of England and other countries has been just the same. It is not so long ago that the first real representative of the working man was returned to the House of Commons. And whenever a working man has acquired some position and wealth, his opinions and sympathies will naturally veer round a little in favour of the classes among whom he finds himself thrown. In Bengal the pleader class would, broadly speaking, be in favour of the interests of the Zemindars. In the first place, a pleader of any position and practice is generally the agent of one or more Zemindars, whose payments constitute a substantial part of his income. Secondly, as they acquire money, pleaders invest it in land, and so become part and parcel of the land-owning classes. The same may be said of retired members of Government services,

including Ministerial officers, who generally invest a substantial portion of their earnings in land. The sympathies of young Munsifs and the new class of competition Deputy Collectors is (at any rate before they have had time to acquire land) to a considerable extent with the ryot, but young Munsifs and Deputy Collectors are not made members of the Legislative Councils. European non-official members are mainly appointed as the representatives of the mercantile interest, the planting community, and generally of the non-official European class.

It is manifest, then, that the best and truest representatives of the interests of the country and the people as a whole are the official members. The number of non-official members might be increased, perhaps, if they are made into a purely consultative body, with power to report their opinion to Government. Even this would result in a larger representation of the wealthy and influential classes.\* But anything more might raise evils and difficulties which can hardly be said to exist at present. Even in elective Municipalities there is no real representation of the majority of the population. The control of the people is a pure fiction, except in one particular, and that is, that Municipal Commissioners are sometimes elected on the distinct pledge that they will do their utmost to reduce the rates,\* and oppose any measure of improvement that might tend in the opposite direction. Possibly hot advocates of local self-government may regard this as a healthy and hopeful sign, that the electors are able to bring some influence to bear on their representatives. But the ordinary mind would probably regard it as a not very honorable index of unfitness for autonomy.

The evils indicated are possibly not peculiar to India,† though in India they are intensely aggravated by the fact, that the influential portion of the community is a microscopic minority, composed almost exclusively of a single class,

\* I see this fact is alluded to by the Bengal Government in the Resolution on the Annual Administration Report of the Patna Division for 1888-89, published in the *Calcutta Gazette* of August 1889.

† It is very nauseating to listen to some English apologists who, in their fondness for fouling their own nests, remark: "Oh! there is just as much corruption in England among municipal and Local Boards." Granted for the sake of argument, that there has been in some instances. To what is it due? To Government having relaxed its control. These apologists use a two edged weapon, and are hoist with their own petard. The Anglo-Saxon race is generally admitted to be firm, tenacious of purpose, honest, and truth loving. It has been accustomed for centuries to the principles and traditions of popular representation. If among such a race and under such conditions, a gradual extension of local autonomy and power has produced corruption and other great evils, may not a reasonable man hesitate and doubt whether such boons should be foisted, in an intensified form, on an Oriental country?



while the masses are comparatively uneducated and ignorant. Some of the principal cities of England and America have suffered grievously from the Attic boon. There is a reaction in favour of official management, which has resulted in a very considerable amount of central control. In France and other great continental States, the towns and cities are improving, but those who are conversant with the details of their municipal administration, know that they are improving because the central authority with one hand grips the local body by the throat, and, holding a blunderbuss to its ear with the other, exercises that extrinsic moral influence, which apparently the law intended should be exercised by the District Magistrate, the Commissioner, and the Local Government in Bengal, but which, owing to the desire to show as partial successes even the most glaring failures and notorious collapses, is not, as a matter of fact, exercised. The fact is that in France and elsewhere, not only the capitals, but all the cities and large towns had more or less drifted from local self-government into something very different; there remains but a shadow and a fiction of the defunct principle of local administration. The only chance of the success of local institutions in India is, that all should not be praised alike, no matter how different their deserts. Those which have done their duty should be held up as an example for the imitation of those which have neglected it. If Badnugger is still permitted to enjoy the franchise, though it makes no improvements, wastes the rate-payers' money, and poisons them with bad air and water, of a surety Neknugger will slide into the same evil ways, when she discovers that there is an utter absence of discrimination in the award of *Sirkári* praise or blame.

But what if the evils, which are now confined to the parochial affairs of the Slocum-Podgers and Little Pedlingtons of Bengal, should be permitted to become rampant in matters affecting the imperial interests of British India! And will not such evils be caused by representative councils? The landlords of Bengal will send members pledged to abolish the road cess, and make up the loss by enhancing the salt duty, pledged to facilitate evictions and enhancement of rent: the ryots will stipulate for the prohibition of all enhancement: Pleaders will return members pledged to support the various items of the Congress programme, and possibly to abolish all liquor-shops; while traders will stipulate for the repeal of the Income-tax. But, it may be said, if all classes are represented, justice will be done. To this it may be replied that all classes are, under the existing constitution, equally represented; but this would not be so if members were elected. The poorer classes, the masses of the population, would undoubtedly not be represented.

to the same extent as the wealthy and more influential classes. No one can allege that fair and equal representation would be possible. Some one class would command a majority, and they would ruthlessly impose their will on the minority. Such a Council might pass a measure rendering the position of the ryot worse ; could such a measure be passed in the Legislative Council as now constituted ? Certainly not. Unjust measures might be passed in the one, but not in the other. A member, pledged to support the interests of a particular class, would vote for a measure which might inflict injury on a thousand persons for every one benefited. Even now, it might be said, a non-official might do so. Certainly he might do so, but would he succeed ? No. Happily the Legislature is now so constituted that such a measure would have no chance of success. Again, the most necessary taxation might be refused, or it might be imposed in such a way as to give an unfair advantage to those classes unduly represented. The local Bengal Council, even as now constituted, with a large infusion of zemindars or zemindar members, would infallibly offer a strenuous, and possibly successful \* opposition to a local rate on the land for purposes of primary education and sanitation.

The propositions laid down above are borne out by the experience of many countries. They are, indeed, self-evident, and the argument requires no further amplification or illustration.

#### XI. EXECUTIVE LEGISLATION.

It is very doubtful whether the Home Government will regard with favour any proposal for the enlargement of the Councils, or the introduction of the principle of representation. The debates in Hansard will show, that the Indian Councils' Act was at the time considered by many to be in some respects an ill-advised piece of legislation, and not altogether suited to India. *One remarkable result of the Act was to take away all power of Legislation from the Executive Government !*

The Executive Government used to legislate for the less advanced portions of the country. Had India been occupied by any other country than England, no doubt the Executive would have legislated for the whole country. But the English lawyer has an inveterate habit of thrusting his own principles and laws on countries utterly unsuited for them. The King's Courts, in their obstruction to the Governor-General and his Council, doubtless thought they were very fine patriots, preserving the undying principles of the English constitution

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\* The words "possibly successful" are explained by what has been remarked above as a peculiar feature of the Bengal Council.



from the inroads of another Charles. For the Executive to legislate would be almost as impious as for a Hindu to kill a cow! So it was that Legislative Councils were established for regulation territories. But the Executive Government continued to prescribe rules or laws for other parts of the country. Sir Barnes Peacock, mainly on the precedents of English constitutional law, and ignoring, or possibly being ignorant of the fact that there was, and had been such legislation in other countries, combated the legal correctness of the doctrine on which the claim to legislate "executively" was based.

The Government, however, continued till 1861 to act as if they possessed this power in respect of all the outlying and newly annexed Provinces. It may be remarked here that Lord Dalhousie would never have pressed for the establishment of a Legislative Council, unless he had unquestionably believed that his Government possessed the same legislative authority over non-regulation territory which the Crown exercises over Crown Colonies up to the moment of according to them distinct legislative institutions. In the debates on the Councils' Act in the House of Lords, the Earl of Ellenborough expressed some indignation at the dictum of Sir Barnes Peacock. He said: "The non-regulation Provinces were conquered countries, and it was the universal law that conquered countries, until they were regularly placed under the ordinary law of the country conquering them, remained under the direct authority of the Crown. These doubts were suddenly started in the Legislative Council by the Chief Justice, and it certainly was very extraordinary that, having acted as legal adviser to the Government for six or seven years in his capacity of Legislative Member of Council, he had never informed the Government he served of the illegality they were committing." Sir Barnes Peacock's opinion was probably wrong, but the Executive Government in India has sometimes to act on incorrect legal opinion. They did so in this case. It was held that, by the passing of the Indian Councils' Act of 1861, all legislative authority over non-regulation territory had been taken away from the Executive Government, while the force of law was given to all the rules which had been made in the belief that the authority existed. No doubt the intention of the statute of 1861 was that local Councils should gradually be established in all the provinces of India; but this was found to be impracticable. The result was, that no new law or rule required for any province other than Madras, Bombay, and Bengal Proper, could be sanctioned by any authority in India other than the Supreme Legislature.

As might have been expected, this position was found

extremely embarrassing and inconvenient. Indeed, the absolute denial of legislative power to the Executive Government, as regards the wilder and less civilized portions of India, was found to be not merely inconvenient, but dangerous. New situations arose, new combinations of circumstances presented themselves, feelings and actions arising out of ignorance, misapprehension, prejudice, or superstition required careful remedies, and yet the Executive were powerless to pass the new rules and laws required. Public opinion in England exacts from the Executive Governments of India the responsibilities of a despotism, and yet many of these Governments can do nothing without asking for a law from the Supreme Legislative Council,—a Council which is not directly responsible for the peace and good Government of the territories for which it legislates.

This state of things lasted for nine years, namely, from 1861 to 1870. In the latter year a more summary legislative procedure was provided by the statute of 33 Victoria, chapter 3. The preamble and first section of the Act are as follows :—

Whereas it is expedient that provision should be made to enable the Governor-General of India in Council to make regulations for the peace and good Government of certain territories in India, *otherwise than at meetings* for the purpose of making laws and regulations, held under the provisions of the Indian Councils' Act, 1861, and also for certain other purposes connected with the Government of India :—

Be it enacted, &c. . . . as follows :

I. Every Governor of a Presidency in Council, Lieutenant-Governor, or Chief Commissioner, whether the Governorship, or Lieutenant-Governorship, or Chief Commissionership, be now in existence or may hereafter be established, shall have power to *propose* to the Governor General in Council, *drafts* of any Regulations, together with the *reasons* for proposing the same, for the peace and government of any part or parts of the territories under his government or administration, to which the Secretary of State for India shall, from time to time, by resolution in Council, declare the provisions of this section to be applicable from any date to be fixed in such resolution.

And the Governor-General in Council shall take such drafts and reasons into *consideration*, and when any such draft shall have been *approved by the Governor-General in Council*, and shall have received the Governor General's assent, it shall be *published* in the "Gazette of India" and in the local Gazette, and shall therefore have *like force of law*, and be subject to the like disallowances as if it had been made by the Governor-General of India in Council at a meeting for the purpose of making laws and regulations.

The Secretary of State for India in Council may, from time to time, withdraw such power from any Governor, Lieutenant-Governor, or Chief Commissioner on whom it has been conferred, and may, from time to time, restore the same as he shall think fit.



Such Legislation may be called informal or quasi-executive legislation. The section was applied to Ajmir and Merwarra on the 16th March 1871 ; to the Andaman and Nicobar Islands on the 15th July 1872 ; to certain districts of Assam on the 1st January 1873 ; to Coorg on the 1st October 1877 ; and to Upper Burmah (except the Shan States) on the 1st March 1886. It has also been applied to portions of other Provinces. The Supreme Legislature still legislates for the Central Provinces, the bulk of Assam, and the Panjab. There are some who think it would have been better to apply this section to the North-West Provinces instead of giving it a Council under the Councils' Act. There is apparently nothing to prevent the section from being applied even to advanced territories, as the preamble merely uses the words "certain territories."

It is a question whether the section should not be applied to the Punjab, Assam, and the Central Provinces. The time of the Supreme Council has been taken up this year in passing no fewer than four Acts for the Central Provinces. These Acts were really the production of the Chief Commissioner, and Mr. R. Crosthwaite went up to Simla and passed them. If the Statute of 33 Victoria had been applied to the Central Provinces, the only difference would have been that *Mr. Crosthwaite would not have gone to Simla*, but that the Chief Commissioner would have *sent the drafts* up to Simla, and they would have been passed by the Executive instead of the Legislative Council. Can any unprejudiced person venture to affirm that the Acts would have been a whit better or worse in one case than the other? As a matter of fact, they would have been exactly the same. Mr. Crosthwaite's Bills passed almost without remarks from any other member. It would be simply farcical to allege that these Bills were likely to be any better for going to the Legislative rather than the Executive Council. If there were likely to be any difference, it would be the other way, as at a secret meeting, with informal discussions, members might be more ready to make suggestions than they would be in a public meeting with press reporters taking down every word. The fact is that questions connected with the land tenure of a Province must be left to the local administration of such Province. I once heard a Madras Judge say, that he had read the Bengal Tenancy Act, but that many parts of it were quite unintelligible to him. So it would be presumptuous of Bengal Civilians to suppose that they could improve a Bill dealing with land tenure coming from Madras or Bombay. And if those whose life has been spent in dealing with matters of land revenue and rent, and the relations of landlord and tenant, could not criticize with advantage measures framed in, and for other Provinces, much less could non-officials hope to do so.

Representative Councils, as they exist in other countries would mean in India a complete *bouleversement* of the existing constitution. Since 1861, as has been pointed out, the Executive Government cannot make any rules or pass any orders having legislative force.\* This, in the opinion of many high authorities, was going dangerously far. Still, the Executive can, through the Legislative Council as now constituted, pass any measure it pleases, though not without formal procedure and delay. If anything be done to take away or lessen this power, the one safeguard of the Empire would disappear. The most urgent question for consideration seems to be, not whether the authority of the Executive should be weakened—and it would be weakened by any expansion of the Legislative Councils, which was an expansion in reality, and not merely in name—but whether, in certain circumstances and conditions of urgency, and under certain restrictions, the Executive Government should not be given the power to issue rules and orders having legislative force, and whether the quasi-executive legislation under the Statute 33, Victoria, c. 3, should not be extended to a larger area of the country. It is instructive in this connection to read the debates on the Councils' Act in the House of Lords. Several speakers dwelt on the fact that there were many persons, and among them those of great authority, who urged that the Legislative Council should be altogether abolished, and that a return should be made to the old system of 1833, placing the power of legislation exclusively in the hands of the Governor-General and his ordinary Council. Several members, Liberals and Conservatives, expressed their opinion strongly, that petty mock Parliaments were quite unsuited to the circumstances of India. Earl Grey said that the existing Legislative Council was an admitted failure: the opposition to Government had been led by one of their own Judges, and this was felt to be an evil so urgently requiring the interference of Parliament, that it was probably the cause of the present Bill. In fact the Bill has been described as a Bill for extinguishing Sir Barnes Peacock. Some members expressed a fear that the Council constituted by the Bill would prove just as unmanageable as the one superseded. As regards this, Earl de Grey and Ripon pointed out that the members of the existing Council held their seats *ex officio*, and were appointed by other authority than that of the Governor-General; whereas the additional members of the proposed Council would be selected by the Governor-General, and would hold their seats for only two years. The

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\* Rules passed under any law, in which the power to make such rules is delegated to any authority by the law itself, have of course the force of law.



Earl of Ellenborough pointed out the urgent expediency of putting an end to the scandal and mischief which had attended the operation of the Legislative Council. It is important to note that it was in the interests of the native population that several members urged the necessity for keeping more power in the hands of the Government. The Earl of Ellenborough said :—"As far as his own Council goes, the Governor-General may almost universally expect that every measure of his, which fairly deserves approbation and support, will receive them, and that they will not be reluctantly given. But beyond the limits of that Council all is uncertain, uncertain even in persons who occupy some of the highest positions under the Government. That arises from this circumstance : there are among the English in India two parties. One of these parties desires to govern India for the English, and to treat it as if it was a property. There is another party which adheres to the Queen's Proclamation—which desires to govern India in the spirit of that Proclamation, and to do equal justice to the Hindoos and Musulmans as well as to the English, and, above all things, to respect the religion of the people. That is by far the smallest party ; and its head is necessarily the Governor-General." The Duke of Argyll, who followed him, said :—"The noble Earl should remember that although it was perfectly true that the Governor-General might possibly be a minority in the Council, as he always might have been, yet the Bill amply secured a majority of of that particular class (prominent among which were the Indian Civil Servants) who were for governing India in accordance with the wishes of the natives ; there would be the officials connected with the Governor-General and the members of the Civil Service ; and the independent members, representing the commercial community, would always be in a very small minority. He thought that this was a great security for the good government of India, because, whatever might be said of the shortcomings of the Civil Service, he was sure it would be admitted on all hands that the Civil Servants had uniformly desired to consult the wishes of the native population."

## XII.—CONCLUDING REFLECTIONS AND SUGGESTIONS REGARDING THE MULTIPLICATION OF LEGISLATIVE OR QUASI-LEGISLATIVE BODIES, AND POSSIBLE EXPANSION OF THE REPRESENTATIVE PRINCIPLE.

I must premise that I do not commit myself to the remarks made under this head, which, indeed, are not altogether in harmony with what has gone before. They are suggested by my study of the subject, and a desire to see if there is any practicable and

reasonable means of giving effect to the aspirations of the leaders of the native community to share in the legislation of the country without detriment to the administration but weakening of the central authority.

One or two modes have suggested themselves to me, but the following seems to me to be the best and most practicable, having regard to the conditions of a British dependency and to the circumstances of the country. I think any expansion of legislative representation might take the form of an extension downwards in the official hierarchy of the informal or semi-executive legislation described in the preceding part. I will take the case of Bengal only, with the conditions and circumstances of which I am acquainted. The operation of the Statute 33 Victoria, chapter 3, might be so extended in certain matters as to enable "divisional"\* councils to propose drafts of laws (or circulars or ordinances having the force of law) to the Lieutenant-Governor. The "divisional" council would be in the position of the Local Government, as described in the first section of the Statute, and the Lieutenant-Governor would exercise the powers of the Governor-General in Council. He might veto the draft, or he might approve it, in which case it would become law. There might be nine separate "divisional" councils for the Province of Bengal, corresponding to the existing Commissioners' divisions, namely, the Patna division, Chota Nagpore, Bhagulpore, Rajshahye, Burdwan, Presidency, Orissa, Dacca, and Chittagong. The Commissioner would be the President of the divisional council, and all the other members would be merely assessors or consultative members: that is to say, it would always remain in the discretion of the Commissioner to send up or not to the Lieutenant-Governor the draft of any law passed by the council. The Lieutenant-Governor might be given power to call for and consider the draft. Supposing a division to contain six districts, the Divisional Council might be constituted as follows:—

The Commissioner, President	...	...	1
The Senior Magistrate-Collector, Vice-President	..		1
The other Magistrate-Collectors	...	...	5
The Chairmen of Sudder Station Municipalities	...		6
Two leading Zemindars	...	...	2
A selected Government Pleader	...	...	1
Two representatives of the agricultural community,			2
One representative of the trading community	...		1
			—
	Total	...	19

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\* I speak of Commissioner's divisions. There are nine such divisions in the Lower Provinces. There are about five districts in each "division."



The representative of the trading community should be a European in indigo, silk, or tea districts ; the representatives of the agricultural and trading communities should be selected by the President from names to be submitted by the Collectors of Districts. The former would be chosen for their known identity with the interests of the ryots. The two leading zemindars might be chosen from amongst themselves by all zemindars in the division paying a Government revenue of Rs. 10,000 and upwards. The Government Pleader might be selected by the Commissioner. There can be no doubt that such a council would fully represent every class and interest in the division. It will be seen that the native members would outnumber the European members ; but there would be no harm in this, as the council would be purely consultative, and large powers of discretion would have to be vested in the President. Moreover, it might be enacted that a measure could only be carried by something more than a simple majority. With the exception of subjects to be specified by the local Government, any member should be at liberty to propose a law on any subject, which would be brought on for discussion, if two-thirds of the total number of members were satisfied of the necessity for legislation. Such a council would at any rate tap native opinion in a very thorough manner, and its composition should preclude the possibility of any one section of the community gaining an undue advantage over other sections.

It may be said that such a council would be impracticable because of its native majority ; that the moral influence of the recommendations of a majority would in time acquire such force as to compel the Commissioner to approve of proposals against his better judgment. I admit the force of this objection. As I have said, I am merely suggesting the lines of possible expansion. The idea is perhaps worth something, and may enable experienced statesmen to work out a safer scheme than the admittedly crude outline to which, as I have said, I do not commit myself. I have already expressed my own opinion in the previous parts of this essay, regarding the absolute necessity for retaining an ultimate official majority, for the simple reason that official members are the only real and true representatives of all classes ; they are the only absolutely disinterested members. If non-official members command a final majority, it follows that there might be no representation of the very classes who cannot make their voices heard.

The creation of councils for smaller area units is suggested by the examples of the United States, Germany, Austria, Hungary, and the Swiss Cantons. Much useful remedial legislation is lost to India as a whole, and to its different provinces,

owing to the vast area and the varying characteristics, conditions, and circumstances of the places and peoples to be legislated for. Certainly different Commissionerships in Bengal present far greater differences than are to be found in different portions of certain European States having separate local councils. For instance, Austria has separate Provincial Legislative Councils for High and Low Austria, Bohemia, Boukovnia, Carinthia, Cracovia, Dalmatia, Galicia, Moravia, Duchy of Salzburg, Silesia and Styria. These provinces are not so large as many Indian Commissionerships. Of course, there are many restrictions on the amount and extent of legislative independence granted to subordinate provinces of the same State, and those who wish to see an extension of legislative autonomies in India, should bear in mind that in the German, Austrian, and Hungarian provinces, the Government or official control is carefully preserved and safeguarded. It is as an equivalent to this control that I have recommended the grant of an absolute power of veto to the Commissioner-President of the Divisional Council.

Under the Bengal Local Self-Government Act of 1885, District and Local Boards have been constituted, the jurisdiction of a Local Board being co-extensive with a sub-division of a district. But there are sections which provide for the creation of much smaller units, to be called "Unions," which would be groups of two or three villages. Supposing that such Unions have been created, it might be possible on certain questions of parochial, rather than provincial interest, to poll them, and initiate legislation in accordance with the popular vote of a strong majority. Let me instance such questions as liquor shops, fees on *jattras*, processions, marriages and Barwari Poojahs (to be spent in the village,) free primary education, sanitation, tolls, and pounds.\* Popular assemblies, such as the Comitia of Rome, and the early Teutonic Assemblies of freemen have disappeared, but a transference of legislative authority to the voters at the polls is still to be found in Switzerland† and America. The principle is known in England under the name of local option. The difference between America and

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\* We might in this way solve the problem of extra taxation for local wants. It is probable the people would rather increase the funds at the disposal of District Boards, Local Boards and Unions, by small self-imposed fees (to be spent in the village) than to have any pure additional taxation imposed by the Local Legislative Council. Fees on *shrads* or Barwari Poojahs would probably be considered objectionable as an interference with religion.

† The Swiss Federal Constitution (Art. 89) provides that, on the demand of eight cantons, any Federal law of general application, and not of an urgent character, must be submitted to popular vote for acceptance or rejection. This is called the Referendum.



Switzerland is, that in the former country *proposed* legislation is submitted to the popular vote before it is undertaken, whereas the Swiss Referendum can only be applied to laws which have actually been *passed*.

"Divisional" councils, as has been remarked, would only legislate on those subjects on which the Local Government might permit them to legislate. If the subjects were confined to matters of purely local interest, laws in contiguous "divisions" might differ without any inconvenience to the community. The following is a list of the subjects on which the Province of Styria has legislated for itself: construction of buildings; servants; vine-culture and vineries; extinguishment of fires; communes and communal elections; streams and irrigation; roads; agriculture; registration of landed property; district assemblies (*Anglo-Indicè*—Local Boards?), and obligations of private persons to assist public officers. This is an instructive list. In other States laws may be found also on the following subjects: parks, forests, hunting, local taxes, lawyers, post-office, pawn brokers, foreigners, press, prisons and rural lands. India, as has been so often pointed out, consists of many countries, many races, and many languages. It is this fact that often prevents the undertaking of useful legislation, and that, too, even by Provincial Councils. It is almost impossible to pass Acts that shall suit equally well the conditions and requirements of all parts of even one Province. A Legislative Council for North Behar, such as I have indicated above, would assuredly pass a Tenancy Act of a very different character to one passed by a council for Eastern or Northern Bengal. The passing of the Bengal Tenancy Act reminds us of the way in which Procrustes operated on his victims; a limb is lopped off here to satisfy the pro-ryot members, whose service has been mostly in districts where the ryot is badly off and oppressed; another limb is stretched out to satisfy the pro-zemindar member, and so on. Just as Procrustes stretched all his victims, big or small, on the same iron bed; so the same Act is thrust on all districts alike, no matter how different their conditions and necessities.

If there were a council for each division, the conditions to be legislated for would be the same or almost the same. Let us illustrate our argument further. Suppose a large majority in the District of Hooghly are in favour of local option in the matter of liquor-shops, why should they be denied the boon, because Patna, Arrah, Gya and Monghyr, if polled, would be against it? Mr. Whitley Stokes' Easements Act has been laughed at, because it was passed only for Coorg, Madras, and the Central Provinces. When it was passed, there was a prejudice against codification and the codifying Law Member. Other Provinces would have none of the unholy thing. It was a case

of *timeo Danaos et dona ferentes*. But there was no reason why the great territories of Madras and the Central Provinces should do without legislation they wanted, because other Provinces did not want it, or thought \* they did not want it.

The existence of "Divisional" councils would be useful in two ways. Firstly, they could legislate with greater certainty and confidence on the petty matters entrusted to them, as their personal experience would extend to the whole of the area legislated for. Secondly, the Local Government would have a reliable body to consult in the matter of the extension of the various Acts passed by the main Provincial Council. As has been remarked, the great clog to remedial measures and improvements is the enormous area to be legislated for. Perhaps six Collectors are in favour of certain legislation, while six others are not: but they *may* all be perfectly right, *quoad* the requirements of their respective districts. The consequence is that inaction is preferred to action as being safer. Of course the *laissez faire* policy is all very well if it means leaving *well* alone; but it is just the reverse when it means leaving *ill* alone.

"Divisional" councils would be useful as responsible consultative bodies in this respect. Just as the Government of India often passes an Act, leaving it to Local Governments to extend it to their territories or not as they please, so the Local Government might enact a larger body of *législation facultative*, leaving it to the discretion of Divisional councils to extend it to their divisions. Of course the Provincial council would only act in this way when it doubted the advisability of a general application of the Act, and not where it was satisfied on such point. Many instances could be given of matters in which legislation of this character is called for. At present one part of the Province is starved in one matter, because the authorities of another part say they do not want any food of that description, and *vice versâ*. One district would allow village punchayats to inflict small penalties for sanitary offences, while another would not. Members of the same community or religion are often divided on some important question affecting their interests. But why should they not all be pleased? Why should an Act be denied to those who want it, merely because others say they do not want it. Let us instance the Mahomedan Marriage Registration Act. Suppose the districts of Rungpore, Dinajpur and Rajshahye to be in favour of compulsory registration of marriages and divorces. Why should

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\* I say "thought," because it would be far better to extend the Act to other provinces. The Civil Courts would have a compact code to refer to, instead of having to grope about for the law in diffuse English treatises, such as those of Gale and Goddard.



they be deprived of a compulsory Act, because the Mahomedans of Tipperah and Backergunge think registration should be voluntary? Again, forest preservation and game laws are matters *par excellence* in which the opinion of the community affected should be consulted, and a "Divisional" council would exactly represent such opinion.

Provincial councils sometimes bemoan the restrictions on their power of legislation; but no one who has paid any attention to the subject can doubt that they might, had they been so resolved, have accomplished a good deal of useful legislation. The obstructions are two fold—firstly, the English lawyer influence in Presidency towns, which is opposed to much legislation; secondly, the large area and differing characteristics of the province to be legislated for. I am inclined to think Provincial Councils might, with advantage, take a leaf out of the book of some of the American States; I mean that they might pass measures for improving the condition of the vast majority of the population. Agriculture is the principal occupation, the principal source of livelihood, of the people all over India. This being so, it behoves the Government to pay especial attention to the welfare of the agricultural community, on the principle of conferring the greatest good on the greatest number. The average mediocre English lawyer advocates the *laissez faire* policy, and deprecates State control. In the innocence of his heart, he really believes that he is saving the people from oppressive and officious interference. Nothing could be further from the truth. With agricultural, commercial, and industrial development, the State must step in more and more to see that labour gets the hire to which it is entitled, and to regulate the relations of employers and employed. The Indian administrator is often struck by the fact, that the wages of a daily labourer remain unchanged for twenty years together: "rates" (nirokh) for coolies, carts, palki-bearers, &c., are very stubborn things. Are they not enshrined from time immemorial in the office of the Collector and Magistrate, and who shall disturb them? The law must sometimes step in to break custom.

The case of the State of Minnesota\* is much in point. Minnesota is an agricultural state, and minute legislation has been passed with the object of securing to the cultivator the full market price of his crop, and to prevent his being placed at the mercy of elevator and railroad companies. There has been in Minnesota no lack of disposition

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\* See "Contemporary Review" for May 1887. Article on "The American State and the American Man." By Albert Shaw.

to carry State regulation to the extremest lengths, and hesitancy has arisen only from the fear lest the farmers might injure themselves, if they crippled the railroad and elevators with over-severe restrictions. The railroad law requires, among other provisions, that cars shall be supplied to any applicant, and that the right to build warehouses on railroad land adjoining the tracks shall be freely accorded, and that side-tracts shall be provided.

Contrast this with the absence of all regulating legislation in India. Are not those who send grain by railway in India more or less at the mercy of subordinate Railway officials? It has often struck me that the cultivator always does not get for his paddy or other crops the price he ought to. There is but one railway station to which he can take his rice, and perhaps, owing to bad roads, he can only take it there during one-half of the year. Perhaps all the operations there are monopolised by an up-country Bania or a Marwaree. The cultivator does not know how to ship the rice himself, or to whom to send it, even if every facility were given him. He must sell to the "ring" who have established a monopoly at the railway-station. They, perhaps, give him a fair price, but not the full price to which he is entitled. In Minnesota the State appoints commissioners, who are required to take up the cause of any aggrieved individual, and prosecute the railways at the public cost and with the aid of the public prosecuting attorneys. Agricultural fairs, central and local, are subsidized from the State treasury, and in one year the Minnesota legislature appropriated a hundred thousand dollars for the equipments of a State fair-ground. The farm buildings and eighty acres of land constitute a homestead exemption, which is safe from all attachment and execution processes. Contrast with this the exemption in sec. 226 of the Code of Civil Procedure. In Dakota the "exemption" laws are far more liberal than in Minnesota. In Bengal the agricultural community asks for bread, and they are given stones in the shape of price-lists, estimates of outturn of crops, jute-forecasts, packets of Buxar wheat sent to be sown and reported on by zemindars who want to become Rajas, and swarms of locusts and leeches in the shape of survey and settlement establishments to harass them and suck their life-blood out.

Again in the States and territories of the grazing belt, there are minute cattle-laws. The Statute books of Montana and Texas reveal the importance of cattle-raising, while the laws of California bear the impress of a mining community. Of course such legislation sometimes overreaches itself; but in the main it confers inestimable benefits on the community in whose interest it is undertaken, that is, on the majority of the



population. Jealousy for the freedom of the individual has not prevented legislation from prohibiting the sale and manufacture of liquor ; but, of course, such laws are obeyed only so far as they are in accord with local public sentiment ; beyond that point they are a dead letter. Mr. Shaw says :—"The American Economic Association—a new body, including as members a majority of the best political and economic students of the country—frankly repudiates *laissez faire*, and publishes as the first in its statement of principles :—"We regard the State as an agency whose positive assistance is one of the indispensable conditions of human progress. Let this doctrine be accepted without qualification. Let it be understood that it is within the legitimate province of the State to do anything and everything." I am convinced that the result of an emancipation from the *laissez faire* bugbear, which now exerts so unfortunate an influence, would be a more careful and scientific law making. Certainly the history and circumstances of India are in favour of state control, regulation, and interference. If there be such control and interference in matters of taxation and the like, why should local legislatures shrink from passing measures calculated to increase the wealth of the people, and make their lives happier ? \*

It may be urged by those who oppose the idea of "Divisional" councils, that the Collectors of districts are equally capable of ascertaining the real opinion of their districts, and reporting it to the Commissioner. To such critics I merely reply that I have offered the above suggestions with great diffidence, and not with any conviction of their practicability. The "Divisional" council gives some scope to educated aspirations, and it recognizes the principle of local representation. I have, therefore, suggested it. No reasonable man will admit the wisdom of suddenly thrusting on Oriental nations the institutions of the West, the slow growth and product of many centuries. But unfortunately would-be reformers count unreasonable men among their ranks, men who think that new wine should be put into old bottles, men who have no faith in the adage 'Naturâ nihil fit per saltum.' The spirit of breathless (but not harmless) benevolence is a factor, the existence of which cannot be altogether ignored by the statesman.

Nor can the practical writer on law and administration afford to be behind the age. Though he himself may not have given in his adhesion to the proposition that local self-government and legislation by the people are "like a barber's

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\* We get elaborate procedure codes—far too elaborate!—*Usque ad satietatem* ! The country wants cheap and simple procedure. It wants less adjective law, and more substantive law, directed to the wants of the people and the development of the resources and wealth of the country.

chair, that fits all buttocks," occidental or oriental ; still he must not lose sight of the fact that this eternal principle is being constantly quoted by those who have considerable power and influence, and are in a position to bring pressure on the Home Government with the view of effecting radical alterations in the constitution of the country. The writer does not say that these alterations ought to take place ; but if they are to take place, he suggests a means of effecting the object aimed at, without detriment to the country or the administration. He has tentatively suggested a scheme, which may cause ideas to fructify in the minds of Indian statesmen of large experience, and so may indirectly lead to propositions of a possibly safer and sounder character in the same direction.

" But words are things, and a small drop of ink,  
Falling, like dew, upon a thought, produces  
That which makes thousands, perhaps millions, think."

H. A. D. PHILLIPS.

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#### ADDENDUM.

**I**T was after I had written and finally revised this article that I received (November 1st) from Mr. Charles Bradlaugh, M.P., the draft of a Bill for Reforming the Supreme and Provincial Legislative Councils of India. My article, it seems, will appear at a very opportune moment, and (should Mr. Bradlaugh succeed in bringing on his Bill) will doubtless be read by those members in either House, who take any interest in Indian affairs.

I regret that I have been unable to comply with Mr. Bradlaugh's request to make his draft Bill the subject of my criticism ; but, as I shall shortly be in England, he will perhaps be willing to discuss with me, personally, this and other administrative problems relating to India. The able member for Northampton boldly and honestly asks for criticisms, whether for or against his Bill, as they will be of "exceeding value in guiding" him ; and I venture to think my article virtually criticises his Bill, and will suggest to him many points for consideration. He has, perhaps, looked at things hitherto through the non-official (or shall I say, the Congress) telescope ; let him now turn the telescope round and look through it the other way, and he will see that what had appeared to him to be very large evils and abuses, have become very small ones. Perhaps the truth lies at some point between the magnifying non-official and the minimizing official lens. If Mr. Bradlaugh desires the material advancement of India and the greater prosperity and happiness



of its populations, there are numerous officials who will not yield to him one jot in that respect. There are others besides him who claim to have the *perfervidum ingenium* of the reformer. Though I may not advocate any radical alteration in the constitution of the Legislative Councils, there are other institutions which more urgently call for the attention of the reformer.

Threatened existing institutions live long, and reformers have a rough time of it, getting more kicks than halfpence, that is, more abuse than fair criticism. However, they have ample consolation in the knowledge that, when a man shirks the real issues, forsakes argument and criticism, and gives vent to mere disparagement and abuse, he pays the best tribute he can to the truth and unanswerable nature of his opponent's case, while he shows that he has no case himself. The *bonâ-fide* reformer cannot help feeling indignation at what he considers gross abuses, and he is compelled by the *vis major* of honest indignation to do all he can to remove those abuses. Those who are opposed to proposed reforms gain little good by attacking or pooh-poohing the reformer; let them demonstrate to the public that the so-called reforms are injurious. This I have attempted to do as regards the proposed radical alterations in the constitution of the Legislative Councils. Though I had not the advantage of having Mr. Bradlaugh's Bill before me when writing my article, yet I venture to think that the article makes out a strong case against the radical alterations proposed in the Bill. However, all honest reformers are always open to solid argument, and I should certainly like to discuss the subject-matter personally with Mr. Bradlaugh; possibly such discussion might result in our both modifying our respective views.

It will not be out of place to mention here that, during the debates on the India Councils' Act in the House of Lords, a proposal was made by Earl Grey for the establishment of a purely consultative Council; and this was the most radical proposal that was put forward at that time. Earl Grey admitted that anything like representative Government in India was impossible; he even deprecated publicity of discussion, saying his experience as Colonial Secretary of some of the Colonial Legislative Councils, had convinced him of the danger of it; and he went so far as to say that the power of legislating should be concentrated in the hands of the Governor-General and the *Executive* Council. But he thought some means should be adopted for the declaration of public opinion on measures before they were finally adopted. "He proposed that a body should be constituted that, for the want of a better name, should be called a Council of State, limited in number, but still comprising as many members as might be found

convenient, and consisting of men of the most distinguished character and station in India, of different races and professions, so that the whole community might be fairly represented. From this body the Governor-General should have the power of nominating Committees to inquire into any subject on which legislation might be required, and to prepare drafts of laws upon them. He further proposed that all draft laws, which the Governor-General thought were proper to be passed, should, before being finally considered, be submitted to a meeting of the Council of State. . . . . Some of the greatest laws passed during the reign of Napoleon were mainly put into shape by the Council of State, a body which possessed no legislative powers but was simply a consultative body." The amendment was strongly disapproved and negatived. Earl de Grey and Ripon spoke as follows concerning it: "The noble Earl, (Earl Grey) said that the Council would be too much open to the influence of public opinion at Calcutta, and too ready to make speeches appealing to public opinion in this country and in India. What was the remedy proposed by those who took objections to the measure supported by the Government? They proposed to establish, apart from the Governor-General, contrary to immemorial custom, and unconnected with his authority, a great Council of State, which was to deliberate in public, to have its proceedings reported, and was then to submit its recommendations to the Governor-General. But was not an independent Council such as that suggested by the noble Earl, much more likely to overpower the Governor General, and to force their opinions upon him, than a Legislative Council of the character indicated by the Government? This Council of State, according to the noble Earl, was to be composed of a large number of persons in high position and of great weight, representing, as far as possible, the various opinions and interests existing in India, and enjoying the superadded importance of rank and standing. Were such a Council established, one of two things would happen: Either it would have no real power, would be unable to influence the Governor-General, and would find its opinions constantly disregarded—in which case men of weight and influence would decline to sit upon it, and as a deliberative body it would fall into desuetude and disgrace—or, the much more probable result would ensue, that such a Council, being independent of the Governor-General, having among its members no representative of the Executive Government, and being invited to conduct its deliberations in public, would be enabled to submit its recommendations with such authority that, except in cases of great emergency, the Governor-General would find it impossible to disregard their opinions."



The existing Congress, though not recognized by law, is a Council of this character. Their opinions and resolutions are forwarded to and considered by the Government of India. They have informed the Government that they desire a complete separation of judicial and executive functions ; that the Police administration is unsatisfactory and oppressive ; that the industrial condition of the people should be developed ; that insobriety should be discouraged ; that the system of trial by jury should be extended ; that natives should be enlisted as volunteers ; that arms should be carried without licenses ; that the Legislative Councils should be expanded ; that the age for competing for the Covenanted Civil Service should be raised to 23 ; that the taxable minimum of income under the Income Tax Act should be raised from Rs. 500 to Rs. 1,000 ; and so on. The Government is in the best position to estimate these resolutions at their proper value, and would, no doubt, be glad to receive similar resolutions regarding social and moral reforms. Such opinions and resolutions would not be of any greater intrinsic value by reason of the conferment of some legal status on the body from which they have emanated.

As to Mr. Bradlaugh's Bill, I humbly think it goes too far. If Legislative Councils are to be expanded, and the principle of representation introduced, such alterations should be made tentatively and hedged round with safe-guards. The passing of Mr. Bradlaugh's Bill as it stands, would be the insertion, not of the thin end, but of the thick end of the wedge ; it would not be the capture of some subsidiary out-work, but the surrender of the main fortress itself. If the Legislative Councils go, all else must rapidly follow.

H. A. D. PHILLIPS.

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## ART. IV.—CAMEOS OF INDIAN DISTRICTS.

### *IV.—Karnal, Panjab.*

TO find the town and station of Karnal on the map is by no means difficult. It is only necessary to run the eye along the Grand Trunk Road 73 miles from Dehli to the north, or to follow the same guide 47 miles south from the Cantonment of Umbala.

The administrative area of the district of to-day will hardly be found from any map however modern, because its boundaries have been altered from time to time in a very puzzling way, even for those who know the landmarks. In the present year 89 villages were added by transfer from the Umbala District, while a circle of fifteen estates, of which the capital was Badladha, 101 miles from Karnal by unmetalled road, have been made over to the district of Hissar, from which the curious island that they form in the territory of the Patiala State, is at least moderately accessible. There are still a number of isolated villages scattered to the north and west beyond the border.

The origin of these peculiarities lies in the history of the tract, and that again depends on its physical character. The huge Himalayan spur, from which the stations of Simla and Kasauli overlook the basins of the Satlej and the Jamna, dips to a low watershed which can be traced in the plains from below Náhan to the point, a little to the north of modern Dehli, from which the rocks of the Aravalli system rise out of the alluvial flat to join the hills of the ancient Central Indian plateau.

The waters which collect from the eastern and southern aspects of this ridge flow to the Jamna, and ultimately to the Bay of Bengal. From Sirhind and Umbala southwards, the surface floods that drain towards the west are sooner or later absorbed in the always thirsty and often rainless tracts that skirt the central uplands of the Province.

In seasons of excessive rain submountane torrents from the Siwalik tract below the Simla and Sirmor ranges, produce a chain of swamps extending from the sacred towns of Thanesar and Pihowa to Kaithal (in the west of the present district of Karnal); and similar morasses formerly rendered the tract between Karnal and Panipat to the east, and the ancient settlements of Salwan and Safidon to the west, impassable.



Beyond this belt of fens to the west and south, the Jangal Des, or "Great Waste Land" stretches to the Satlej, and formerly was almost uninhabited. The soil being light and often sandy, supports, even now, a sparse if industrious population. Caravans and armies therefore from the west kept to the well-stocked country closer to the hills, by roads leading from the Indus to Sirhind; and from Sirhind again the southern route, since immemorial antiquity, has lain through Panipat to Dehli. Timur, it is true, marched across the "Jangal Des" by Samana and Kaithal, and a somewhat similar line was followed by the East India Company's military road from Karnal to Ferozepore, but these were exceptional cases.

From the time that Ali Mardan Khan, Engineer-in-Chief to Shah Jehan, remodelled the canal which had been dug to bring the waters of the Jamna across the ridge already described to the hunting palace of Firoz Shah Tughlak at Hissar, the key to the defences of Dehli lay at the King's Bridge (Badshahi Pul) by which the imperial road crossed the canal some 15 miles to the north of Panipat. Between the outpost at Tiraori—which was built by order of Aurangzeb, and named after an infant prince Azimabad—and the Royal Bridge, there lay an intricate and dangerous labyrinth of marsh and thicket, in the heart of which the petty fort of Karnal commanded the right bank of what was then the main channel of the Jamna.

When Nadir Shah in 1738 A. D. captured Azimabad, the Imperial army was entrenched close to Karnal, and there sustained reverses which led to the capitulation, on the 13th February, of Muhammad Shah, and all the subsequent calamities. For the rest of that century Karnal remained an important military post, the country to the north and west being abandoned to the growing power of the marauding Sikhs, or to the Afghan incursions. During the period of decline the semblance of Civil Government was maintained in the name of the puppet Emperors of Delhi at the ancient town of Panipat. Beyond Karnal the once fertile province of Sirhind was plunged, for more than a hundred years, in the wildest anarchy, from which there gradually emerged a host of petty States, each swayed at his personal and often savage caprice, by one or other of the Sikh barons who had risen to power on the ruin of the Delhi State and the decay of the Khálsa institutions.

In the battle fought beneath the walls of Panipat on the 6th of January 1761, the Durrani army shattered at a blow the Peshwa's ambitious dreams and the tottering remains of the Moghal supremacy. In 1795 the Sikhs under Bhag Singh, the Chief of Jhind, were driven beyond Karnal by the gallantry of Thomas, to whom Sindia assigned the somewhat thorny gift of

the fort and its adjoining villages. No sooner, however, did that restless adventurer march to seize his other grants in Jhajjar and Hissar, than the Sikhs combined to surround so dangerous an intruder, and while Thomas retired to Hansi followed by the chiefs of Jhind and Kaithal with a swarm of lesser hornets, the Ladwa Raja occupied the fort and town of Karnal, from which, in spite of sundry flourishes of General Perron's trumpets, he was never really dislodged till his final expulsion in 1804 by the British forces. The policy of Lord Lake excluded the Ladwa Raja and his ally of Thanesar from the amnesty of 1805, by which peace at least was restored to the wretched people of the Jamna valley. Since Gurdatt Singh's matchlock men marched out of the petty stronghold at Karnal, it has served many unwarlike purposes, and is now the Court-house of the Tehsildar-Magistrate at the head-quarters of the British district of Karnal.

To return to 1805 ;—the statesman who had exorcised the demon of misrule from the Dehli territory was recalled, and the reaction which ensued has been graphically put by Sir David Ochterlony, who then held chief Military and Political control at Karnal :—

“ The fact is notorious that the policy of those times considered the most of our acquisitions beyond the Jamna as incumbrances ; and the Governor-General's Agent's only embarrassment was, how to dispose of what Government had declared they could not, or would not, keep, in the manner least likely to be ultimately injurious to our vital interests. With this object in view, he formed a belt of Jagirdars round our ultra-Jamna possessions from Karnal to Agra.”

This policy, however, had reckoned without the master of Lahore, and in 1806, Ranjit Singh, to whom maps and treaties were matters of very small account, crossed the Satlej in force and occupied Thanesar. Diplomacy kept him at arm's length for a while ; but the situation was unmaintainable, and by proclamation of the 3rd of May 1809, Lord Cornwallis' belt of united Jagirdars was conveyed in perpetuity to the use of chroniclers and moralists. A cantonment, the Peshawar of its day, was formed at Karnal, and all the territory formerly held by the Sikhs to the south, with the exception of a few villages which remained with the Raja of Jhind, was placed, with other tracts ceded by the treaty of Sirji Anjangaon, under the civil charge of a Resident at Delhi. The Nawabs and Khans, Sirdars and what not, friendlies and unfriendlies, were left to fight it out undisturbed, so long as they respected the sacred boundary line of the cantonment pillars.

The proscription of the Ladwa and Thanesar chiefs led to the growth of a host of petty states between Karnal and



Umbala, where a subordinate Political Agent was established. To the west the country was divided between the Raja of Jhind and the Bhai of Kaithal, the representative of a line of military priests whose position in the Sikh Diet was not unlike that of the Prince-Bishops of certain uncomfortable times in European history.

In 1824, as matters became more and more settled, the Delhi territory was re-arranged under Civil Districts. Of these Panipat was one, and embraced the older portion of the modern district of Karnal, the Panipat Sub-Collectorate namely, and half that of Karnal, known to revenue officers now as the Karnal Parganna. It also included the Sonapat tract, since transferred to the Collectorate of Dehli.

By 1832 matters were thought to be ripe for bringing the frontier administration into accordance with certain patterns which were in vogue in the Lower Provinces. The whole machinery of the "Sudder Board" and the "Sudder Adawlut" was, on paper at least, duly extended to the N. W. border, to the precise point that is commanded by the guns in garrison at Karnal; and as the Jagirdars or petty kinglets at Shamgarh, Sikri, and other "peels" or "garhis," as such keeps would be called in the frontier districts of to-day, were so misguided as to intimate that they would rather risk the guns than allow the myrmidons of the "Adawlut" safe conduct over their particular preserves in search of thieves, they were convinced of the error of their ways by having the \*criminal jurisdiction of the Magistrate of Panipat extended, by a stroke of the pen, throughout their holdings.

The Kaithal tract had remained in 1809, as already mentioned, with the "Bhaikian" house, so called to distinguish it from the second branch of the same line the "Phulkian," or sons of Phul, of which the chiefs of Jhind and Nabha, and the Maharaja of Patiala are the ruling representatives. The Bhais themselves originally held the tower and lands of Bhuchonke (in the modern district of Ferozepore), and the founder of the Kaithal power, Bhai Desu Singh, acquired the nucleus of the principality, about 1760, expelling from Kaithal sundry Pathans, also the Mandals of Samana (near Patiala) whom the disorder of the times had tempted to take a share in the scramble which their betters had set on foot for fiefs and kingdoms.

On the 15th March 1843, Bhai Ude Singh, the last of the nominal heirs of Desu Singh, died at Kaithal without issue or nearer kinsmen in the male line than the descendants of a brother of Bhai Desu Singh,—who held under the Kaithal

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\* The Chiefs, however, did not lose concurrent criminal powers till later.

chief by a Zaildari tenure, as the term went, the lordship of Arnauli. The Phulkian States at once sent agents to the Kaithal capital where Mr. Greathed had been deputed, through the Resident at Delhi as Political Officer on the part of the Governor-General to provide for the escheated principality. The Sikh deputies instead of helping the British representatives, kept secretly fomenting trouble on their own account, which culminated on the 10th of April in the flight of the Queen mother Rani Saheb Kour, who had long been the real director of the State, and an open mutiny of the Kaithal forces, headed by an adventurer named Teg Singh.

Mr. John Lawrence, the Collector of Panipat, promptly despatched such levies as could locally be raised through the Nawab of Kunjpura and other sources, and regular troops followed, by whom the incipient rebellion was suppressed, and the town and fort of Kaithal occupied by the British Power, while the leader of the revolt was captured by the Maharaja of Patiala. These events led to the establishment of the Kaithal district under an Assistant to the Agent to the Governor-General at Umbala. The first officer who held the Assistant's post at Kaithal was Major H. M. Lawrence. How "Henry Lawrence strove to do his duty" during the six months he ruled at Kaithal before his transfer to the Residency in Nepal, will be seen afterwards.

In a minute on the newly settled tract, he had shewn how little reliance could be placed on the Cis-Satlej feudatories, and his firm hand had scarcely yielded up the reins before his words were amply verified.

On the 4th December 1845 the Sikh army advanced across the Satlej, and the loyalty of the Cis-Satlej chiefs melted like a morning cloud before the spells of the Khalsa Generals. Only the Patiala State emerged with honour from the trial; the rebel chief of Ladwa who

"with an estate of £10,000 a year, almost openly avowed his treason, and after a time went over to the enemy with all his troops and artillery,"

was deposed; and under a despatch of the Governor-General of the 17th November 1846, his ill gotten estates were once for all included in the Kaithal district, and the jurisdiction of the officers in charge of that territory, and of the district of Panipat (Karnal) was extended, in all matters of Police and Civil justice, throughout the areas included in the boundary of their respective charges. Among the feudatories whose powers were thus forfeited, was the Pathan Nawab of Kunjpura, a little town five miles to the east of Karnal, in the Indri Khadir.

At the same time the baronial customs and the vexatious



tolls which hampered traffic at the barriers—sometimes less than half a dozen miles apart—of every little potentate, were swept away, and as the Jagirdars (or medialized chiefs) complained that without the rabble of horse and foot which served them as a civil establishment in case of peace, and military levies in time of war, they could no longer squeeze their revenues from the luckless tillers of the soil, a settlement of their Jagirs or land grants was in train, when the outbreak of the second Panjab War postponed the question.

That struggle ended, the policy declared in 1849 put an end to the last vestiges of anarchy in the Cis-Satlej country, a revenue settlement of the land beyond the Dehli territory was ordered, and the Kaithal and Umbala tracts were included in the newly formed province of the Panjab, the Karnal and Panipat jurisdiction remaining with the Lieutenant-Governor of the N.-W. Provinces at Agra.

In 1850 the Thanesar principality finally lapsed by failure of issue and was included in the Kaithal district, and concurrently the new district of Thanesar was formed from the territory thus escheated, together with the Ladwa and Kunjpura Jagirs, as well as certain minor grants in the same neighbourhood. The head quarters of the new district were removed from Kaithal to the more accessible but very unhealthy site of Thanesar.

In 1859 the Delhi territory was transferred from the Lieutenant-Governorship of the N.-W. Provinces to the Chief Commissionership of the Panjab, and in 1862 the district of Thanesar was broken up, the northern portions, including the town of Thanesar going to the Umbala district, while Kaithal and the Indri Parganna (chiefly consisting of Kunjpura and part of Ladwa, with certain minor Jagirs) falling to Karnal, the headquarters of the district being at the same time taken to the old cantonment (disused since 1841) from the former seat at Panipat. Several other changes, but of less importance, have occurred in the interval.

This retrospect does not pretend to be a historical sketch. Fully to describe the almost incessant changes of masters this luckless strip of land has suffered, the contending forces it has in turn supported or endured, and the conflicts it has witnessed \* since the "sparks that clashed from the weapons of the Mahabharat heroes burned its soil," would take not one but several volumes.

By whichever side the victory was claimed, the unhappy peasantry might look for unsown fields or crops destroyed,

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\* Report on the Settlement of the Panipat Tehsil and Karnal Parganna, by Denzil C. J. Ibbetson, C S. 1883, para. 68.

if, indeed, they had not to bewail invaded hearths and ruined homesteads.

The change effected on the Kaithal border by Sir Henry Lawrence is thus described by his own pen :—

“The old state of the country may be gathered from the fact of more than a hundred men having been killed and wounded in a single boundary dispute not above 4 years ago, between two villages of Kuttana and Jhind: from the village of Pae, within a march of Kythal, and for forty years an integral part of the territory, having within the last ten years withstood the army of the Bhai for eight months: and from the inhabitants of Chatur, in Kuttana, never having allowed the Sikh officials to enter their village, being permitted to pay their † Kists at the Thana of \* Kuttana. In fact, the whole system was one of expedients, sparing the strong and squeezing the weak.” . . . . .

“From April to September, 85 persons were convicted and sentenced for thefts and petty robberies. Not a case of gang robbery or wholesale cattle-lifting happened after the first week of our rule. One murder took place, that of a Jail burkandaz by three prisoners, who were made over to the sessions.”

“On the first October there were in Jail 141, on bail 25;—a number that may not be considered extraordinary when it is recollected, not only by what a lawless neighbourhood Khytal is bordered, but that at least a hundred criminals were let loose upon the country when the outbreak occurred; and that robbery and outrage were scarcely discountenanced by the old Government, and actually recognized by many of the officials.”

The condition of husbandry under a rule which fostered rapine as better Governments have striven to foster tillage, may be inferred from the following passage :—

“Many villages in Purgunnahs Agoundh, Cheeka and Khas Kythal had so deteriorated, that hundreds of wells were unused, and little or nothing had for years been collected from the land; so bad were matters that the late Bhaee had been obliged to grant an abatement of Government demands in these quarters, and in some instances to accept a fourth in lieu of the former rate of a third of the crop. Such, indeed, was the desolation of portions of the district, that in April and May last, when looking from the tops of the towers at Poondree Haburee, Kuttana, and other places, I could often see miles and miles of good land without a single acre of cultivation.”

Half a year afterwards the Assistant Agent writes as follows :—

“The last rains having been very favourable, and confidence being restored, the rice sowings in July and August were, in many quarters, five times as much as in the preceding year. In one instance, as I was riding along the † Assunt border of Kuttana with Raja Sarup Singh, we heard and saw the husbandmen singing as

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\* Revenue Instalments.

† A popular version bears that the money bags were handed over the village palisade on the end of a pitchfork.

‡ Asandh, near Salwan.



they drove their cattle through the saturated fields. The Raja smiled and called my attention to their air of security, observing that, if they had been so employed last year, the chances were that there cattle would have been carried off by some foraging party."

In the piping times of peace criticism is easy ; and it may be said that Lawrence was possibly disposed to over-rate the evils which he had made it his task to remedy ; let us call another witness then, his successor, namely, at Kaithal, Captain Abbott, who made the second Revenue Settlement of the tract.

"The arm of the law, if law it can be called, was weak ;—paralyzed ; no protection was given to person or property ; indeed, the State set the example, and plundered without remorse. It was the most common occurrence to mark off a slice out of a village on which to locate a favourite,—entire disregard being had to right or possession. The State considered all land its own to be dealt with as it pleased. Cattle at graze were attended by bodies of armed men ; forays and bloodshed were frequent and common ; and want of security caused zemindars to plunder in self defence.

"Occasional attempts were made to extend cultivation by cuts from the rivers, but these required a Bund across the stream which it was necessary to protect by a tower ; indeed, a well could not be worked without a tower into which the wood work and bullocks were deposited during the night or on approach of plunderers."

A history of the ills entailed upon the Karnal country by the fate of its position will be found in Mr. Ibbetson's Settlement Report already quoted, a mine of information and research not only for the tract with which it deals directly, but regarding the people and antiquities of the district generally.

He thus describes the state of things which the Company's officers found on the occupation of the Panipat tract in 1804 :

"So ended that terrible time called by the people *Singásháhi ká Rám-Raula* or *Bháogardi*, the "Sikh hurly-burly," or the "Mahrattá anarchy." Its horrors still live vividly in the memory of the villagers. The Sikhs never really established their grasp over the country south of Pániput ; and they held what they did possess only as feudatories of the Mahrattás. But the whole period was a constant contest between the two powers ; and the tract formed a sort of no-man's-land between their territories, and, coveted by both and protected by neither, was practically the prey of the strongest and most audacious freebooter of the day, whether hailing from the Panjab or the Deccan, for nobody cared to spare for to-morrow what he might only possess for to-day.

"Out of 221 villages in *parganah* Karnál, the inhabitants of 178 had been wholly driven from their homes and fields. The royal canal had long dried up, and thick forest had taken the place of cultivation, and afforded shelter to thieves, vagabonds and beasts of prey. In 1827 Mr. Archer remarked that "only a very few years had elapsed since this part of the country was inhabited wholly by wild beasts." Deserted sites all along the old main road still tell how even the strongest villagers had to abandon the spot where their fathers had lived for centuries, and make to

themselves new homes on sites less patent to the eyes of marauding bands. Every village was protected by brick forts and surrounded by a deep ditch and a wall of some sort ; every group of villages was at deadly enmity with its neighbours ; and there are several instances where two contiguous villages, in memory of a blood feud dating from the Mahrattá times,\* refuse to this day to drink each other's water, though otherwise on friendly terms. In 1820 the Civil Commissioner reported, and the Governor-General endorsed his conclusion, that "the native administration took no concern in criminal justice or police, any further than as its interference in those respects might be made subservient to its immediate pecuniary gains ; and that the village communities, while they held the property of their own society sacred, habitually committed depredations and aggressions on other villages or on travellers, *and generally shared the plunder they obtained with the ruling power or principal local authority.*"

The physical features of the district have been already partly indicated. It is essentially a district of the plains, though from west to east its surface dips by successive undulations, from the edge near Kaithal of the central plateau of the Punjab, to the valley of the Jamna, which is the western fringe of Hindustan. The declivity from the northern border near Thanesar to the south and west is reckoned at about two feet to every mile. This almost imperceptible incline is not broken by any cross ridges, and so differs from the eastern slope, which is intersected by the crest of the general watershed.

The alluvial belt of the Jamna valley, called the Khadir, is from five to fifteen miles in width, and presents conspicuous features to the eye in its vegetation especially. It is the home of a wild palm closely resembling the cultivated date, and of several sorts of tall reeds and giant grasses the feathery-tufts of which lend a pleasing effect to the autumn landscape.

Almost every village has its mango garden, and some are dotted with groves, while the cattle-roads that radiate from the homestead are often shaded with Jaman or Jamoa trees (fruit producing species of the myrtle family) and fenced with natural hedges of tamarisk, the thorny caper, and a host of flowering shrubs for which the English names remain to be invented.

The ground where moist or shaded is carpeted with the perennial creeping grass, † and in spring is decked with flowers, some of which recall the English hedge rows.

In February and March the water courses and corn fields abound with catch-fly, vetches, pimpernel and other pretty

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\* The present Naib Tehsildar of Panipat, representing the hereditary Qanungoes of that tract, is the first of his family who has tasted water from the wells of the village of Urlana, the Rajputs of Urlana having murdered his ancestor. The Emperor bestowed a village on the Qanungoes "as compensation."

† (Cynodon Dactylon Pers ; in vernacular Dubh, or Dubra.)



and familiar waifs, and even the grasses number one or two exceptions to the alien habit of their tribe in southern latitudes.

The noon-day breeze rustles the branches of the mango-tope, the Persian wheel drones its industrious burden near the traveller's camp, and all the cheery side of rustic India is at hand in the cool season.

From November till the beginning of April, there are few pleasanter spots for life in tents than can be found in the Karnal or Indri Khadir, but the picture for the permanent inhabitants and the district officer as well, has its reverse side.

As the winds begin to veer in May, the water in the creeks and hollows dries, fever and other ills attack the villagers, and the close stifling heat, which the hot blasts from the uplands and the southern desert hardly stir, enervates even accustomed frames, leaving an easy prey to the noxious exhalations that are bred by the floods of autumn.

The rainfall in the Indri-Karnal Khadir is believed in a wet year to exceed forty inches, and the whole bed is intersected with old channels and depressions which receive during the months from July to September sudden, and too often disastrous floods from the Jamna, while throughout the rains they are filled with surface water sufficient to impede and sometimes to endanger traffic.

Even in the winter the Jamna is a very treacherous neighbour, and it annually provides a deal of work for the Revenue staff both by the destruction of crops, and the alteration of landmarks.

Hailstorms parallel to its course are frequent, especially when the spring crop is ripening, and are much dreaded both for their direct results, and because of a certain "sneaping wind," which the farmers say sometimes precedes and always follows them.

The chief spring crops in the Jamna valley are wheat, barley, and *gram*; rape (sarson) linseed, and pease are also grown, and as late crops ripening up to June, melons, onions and tobacco. Carrots are also raised in the Indri Khadir particularly, but this is not considered a dignified form of petite culture, and garden plots generally are regarded as the sign of a grovelling and avaricious disposition. These lofty prejudices, however, are disappearing.

The autumn staples include rice, maize and Jowar (bush millet) and different lesser millets, several kinds of pulse and beans, sesame, and cotton. A kind of autumn rape or colza, known as Toria is largely sown as a late crop for the sake of the oil expressed from its seeds, and its bright yellow flower is a characteristic feature of the tract in which it flourishes.

Sugar is set by layers, chiefly from the topmost segments of the cane, in March, after much expenditure of labour

on the soil. It is ready for harvesting about December, and cutting and pressing go on up to the end of the cold weather.

"*Chari*," the chief crop directly grown for fodder, is simply the great millet thickly sown to be cut or grazed before maturity.

Gawanr (*Cyamopsis*) is a leguminous staple, which looks when standing not unlike a field of stunted Windsor beans ; it is grown exclusively for cattle, but the straw is said to be useless.

A very exotic looking crop to the western observer is the safflower (*Carthamus* ; vernacular Kharar or Kasumbh) which is grown round the borders of wheat and gram fields commonly, for the orange dye furnished by the florets of its thistle-like head.

Indigo is pretty largely raised,—near the town of Panipat for instance,—but chiefly for the seed which is exported.

Rice is of three chief kinds,—munji, and santhi being coarse, and ziri fine sorts respectively. The ziri of the Indri-Khadir had a reputation which the change of canal system has gone far to destroy.

Of fibre plants San (*Hibiscus*-hemp) and Sani (*Crotalaria*-hemp) are grown generally in strips alternating with sesame and cotton, or round the field borders of other autumn crops.

The poppy was cultivated in the Indri Parganna until 1860, when owing to its inclusion in the Karnal district, the prohibition inherited with the Delhi territory was locally extended, to the loss of the great landlords and probably of the cultivators as well.

To the west of the Khadir, in the southern portion of the district, lies a fine expanse of even loamy soil, known as the Bangar, and another Bangar strip lies between the northern Khadir and the watershed.

The ridge itself is often hardly perceptible, but one's approach to this curiously insignificant "divide," is unmistakeably announced by changes in the appearance of the soil and vegetation. The soil assumes a stiff grey surface like the hardest clay, which degenerates in patches often of wide extent, into a gritty hide-bound cake, incapable,—by means as yet within the reach of the local husbandman,—of cultivation. These sterile patches, locally known as "*Kallar*," are commonly impregnated with certain mineral compounds,—chiefly salts of natron. In the Bangar and parts of the Khadir too, similar patches effloresce with a white scum, not unlike hoar-frost, and are known as "*Kallar Shor*," and the disease as "*Reh*." The Reh-poison has produced very learned controversy, and owns a copious if somewhat dreary literature. Happily it shews a tendency to disappear, and there is some hope that improved drainage will



work it out, as is said to be done with the similar precipitate upon the soil in California and Utah.

The Reh pockets lie chiefly along the course of the impoverished streams or silted channels which form the systems known as the Chautang, the Rakisi (Devil's stream) and the Nai Naddi.

These three singular water-courses, though two at least originate as natural streams in the Umbala district, have evidently all been tampered with from time to time by well meaning or ambitious rulers. Indeed, the latest diversions of the Rakisi and the Chautang were due to the Ladwa Sikhs, and to prove the artificial character of the Nai Naddi in its middle course, one has only to ride along the miserable trench which represents what was once, no doubt, a fairly useful project.

A deal of cultivation depends on their precarious supply, especially on the Chautang, the main bed of which runs near the crest of the watershed till it impinges near Salwan on the Hissar branch of the Western Jamna canal, which is popularly said from this point to occupy the ancient bed of the Chautang, or rather of the Drishadwati. The mention of this mythical river leads to the still more famous Saraswati.

The Sarusti,—so the name of the deified river is now pronounced,—enters the present district of Karnal a little east of the town of Pihowa, and after dividing into several intricate branches, and spreading out in the rains in sundry "jhils" or swamps, passes into Patiala territory some twelve miles to the south and west of Kaithal. Near Pihowa the Sarusti receives the flood of the Markanda, another of the so-called hill torrents, or to speak more strictly, their combined waters are impounded against the low western escarpment of the watershed, and in seasons of heavy rainfall, turn the whole country, from Thanesar to near Kaithal, into a series of pestiferous lagoons.

North of these streams again the Ghaggar (in which some prefer to find the Drishadwati) passes through a corner of the district. The use of its water is a fertile source of disputes, with the Patiala villages especially.

The whole of this torrent-ridden tract is known as the Naili, and its reclamation is a task to which the local authorities have again lately been urged by the Government of the province.

The country lying between the Naili on the north and west and the Bangar, or light uplands to the south and east respectively,—the slopes in fact of the low watershed,—form the heart of the Kulchattar, or Kurukshetr, the Indian "field of Troy" scene of the Mahabharat legend, and still one of the most sacred spots of earth for modern Brahminists.

These stiff loam circles of the Kaithal and Karnal Tehsils are known to Revenue officers as the Nardak tract.

Mr. Ibbetson notes that Nardak is properly a title of the Kurukhet (or Kauru's acre) and would derive it from Nirdukh, the "painless."

So \* Huien-Tsiang,

"The two countries engaged in conflict, and the dead bodies were heaped together as sticks, and from that time till now the plains are everywhere covered with their bones. As this relates to a very remote period of time, the bones are very large ones. The constant tradition of the country therefore has called this tract the Field of Happiness."

The Chinese pilgrims, like some modern visitors, came to see things for themselves, and saw them, as a natural result, accordingly. Only in a severely spiritual sense could the most ardent cicerone have described the Nardak then, or now, as a "happy country."

This curious tract presents a stretch of hard upland platforms, alternating with sinuous hollows, water-worn, and in favourable seasons, water-filled by drainage from the former.

The upland bits in a moist season have a park-like aspect which has often been remarked, and in March and April when the Dhak scrub (*Butea*) is in blossom, or in the end of the rains when the low bush is festooned and studded with many sorts of flowering gourds, bindweeds, and gaily coloured mallows, the Nardak puts on a very picturesque appearance.

The crops of the Bangar differ from those of the Khadir chiefly in the relative proportion of the staples. Cane, of course, is grown only in irrigated plots, but flourishes in the Panipat Tehsil, where there is abundance of canal water.

In the Nardak, again, culture assumes an altogether different phase. Wheat is confined to the manured lands close to the village site, and watered at a heavy cost in stock and labour from the ring of wells that skirt the homestead, or by lift from tanks. For three or four seasons, moreover, there may not be enough water to raise spring crops at all, and the local husbandry always depend on the autumn crop mainly. Jowar and cotton are raised on the home fields and outlying patches, commanded by deep wells and reservoirs, but the staff of Nardak farming is the coarse rice thrown broadcast in the hollows after seasonable rains, the mud being trampled first by droves of buffaloes.

If copious rain falls in September, the rice is followed by a crop of gram, or cereals mixed with gram ; but the mainstay of the Nardak, as regards its crops, lies in the rice, and when that fails—as has been the case on an average once at least in every dozen years—a dearth follows. Tillage alone would not support the population, which draws such wealth as it can boast from the

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\* Beal, vol. I. page 186.



immense herds of buffaloes and neat cattle which its unrivalled pasture grounds support.

The normal rainfall of this grazing belt is less, perhaps, than 18 inches in the agricultural year (from June to May) and if, as has occasionally happened, not a drop of rain should fall from August of one year to July of the next, the grazing fails. If the rice and grazing fail together, or in successive years, then there is every risk of famine.

For nearly thirty years no general famine has visited the district, but from 1875 to 1877 the Nardak suffered most severely. A painfully impressive summary of the famine history of the district may be read at pages 23 to 25 of the District Gazetteer.

In 1886 there was no autumn rain, and when I rode in the last week of the following May through the south-west corner of the Kaithal Sub-Collectorate, where the wells are often a hundred and fifty feet in depth, I found a barren waste extending from the narrow strip edging the canal to the neighbourhood of Kaithal. A little muddy water lay in pools at the bottom of the deeper reservoirs; many of the wells had given out; the menials were deserting the villages, and the people had to fetch their drinking water in earthen pots from places sometimes four miles or more away. Troops of women and children might be met in the evening bringing jars full of the caper berry and the fruit of the *Salvadora* (*pilu*) for the subsistence of the household. For miles there was literally not a leaf of green to break the scorched expanse; and vegetable life seemed tied to the bare twigs of the *kair* (caper) and the ashen clumps of the "Ban" (*Salvadora*).

In the first week of July the rains burst with unusual force, and the danger for the time was over. The harvests have been more propitious since, but the agricultural condition of the whole district, except the irrigated parts of the Karnal and Panipat Tehsils, is precarious to a degree to which few parallels happily remain in North-Western India.

The Dehli-Kalka Railway now under construction, and the newly begun Sirsa Canal, which will traverse the heart of the Nardak and is expected to command the Rajaund circle, the state of which at a pinch I have just exemplified, should help to render the central portions less terribly insecure against the insidious approach of scarcity.

The cause of this insecurity does not lie solely in the situation of the tract on the very edge of the tropical rain belt, nor yet in the unyielding nature of the soil in the Nardak country. The subterranean water level shelves from north-east to south-west very steeply, and recedes precisely as the atmospheric supply diminishes.

In the Jamna valley the wells are seldom over 30 feet in depth, and where percolation from the old or new canal affects the water-table, a supply is available at 17 or 18 feet or even less from the soil surface.

In the Kaithal Tehsil, on the other hand, the spring level shelves from 18 feet in the north-west corner, through 70 feet in the Bangar, to over 150 in the southern border.

The Kaithal Bangar is a fringe of light and even sandy loam which skirts the Nardak pasture lands on the west, as the Karnal Bangar bounds them on the east.

The people who inhabit the district are hardly less diversified than its soil and climate. The Nardak is the home of Rajput clans, allied to the tribesmen of the North-West-Provinces and Rajputana : while the Bangar is largely held by strong communities of Jâts who have pushed their way, some in comparatively recent times, from older colonies of their nation in the tract from Dehli to Hissar, and the districts on the Lower Satlej.

The oldest settled denizens of the Khadir, except perhaps the curious race of Maghs, are probably the Tagás—a class of Brahman graziers and husbandman,—who in some respects recall the Gaddis of the \* Chamba Himalaya.

The sun-worshipping Tagas of the Panipat and Karnal alluvial strip are replaced northwards by a stock of Muslim Gadis, and there are Gadi villages in the Pihowa country also. I think the Taga and the Gadi may have had a common origin. The Tágu, also claiming to be Brahmans, are a sept, or rather guild of hereditary pilferers, who wander from Hardwar to Sakhi Sarwar beyond the Indus, “lifting” cooking pots and clothes at bathing fairs and such assemblies.

These call themselves invariably Tagás in their homes, which lie in a cluster of villages near the Grand Trunk Road north of Karnal, but the sacred thread has not protected them from registration as a criminal tribe.

Of sacerdotal Brahmans, who very properly repudiate the Tágu and his works, there is no lack, both of the Gaur and Sarsut subdivisions, but every ritual Brahman to the south and east of the Chautang proclaims himself a Gaur.

Pihowa is a Brahman town into which the offerings of the devout are poured to the estimated value of hundreds of thousands of rupees annually. The whole of Northern India is parcelled out among the leading priestly families, some of which have paid accountants to compile their registers of clients ; but the less said, perhaps, of the way their income is popularly said to be spent, the better.

A yearly fair is held, and to this, pious Hindus from great

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\* Hunter's Orissa, vol. I, pp. 243-46.



distances,—mostly new-made widows,—flock to bathe in the Sarsuti which flows through the middle of the town.

The Bias, Acharaj, and other "impure" castes of Brahmans, and the devil priests, or Dakauts, have been described by Mr. Ibbetson, to whose pages the reader must be referred for particulars regarding these, and many other interesting details of the local folklore and ethnology.

The Bhats, or heralds, also rank as Brahmans in a way, but have sunk in the social scale, where Muslemized under the style of Mirasis. Mirasis are again hardly separated from the Doms. The Mirasi is a perfect Autolycus at weddings and other functions among the Jâts, and again at the "solid funerals" in which the Rajput takes his pleasure sadly, as becomes a gentleman.

One often meets him on a raw-boned steed, its tail dyed in the fashion to a hair, and a pair of kettle-drums strapped across its withers, while the tails of a new pink turban, the fresh spoil of some magnanimous client, stream in the March breeze for yards behind the bard and genealogist. These "beggars on horseback" absorb a most inordinate share of the farmer's gains, and help him, if recklessly disposed, in a variety of ways along the road proverbially open to the *nouveau riche* in all societies.

They reap their richest harvest from the Jâts for reasons which the pages of "Rambles and Recollections" \* can explain. Two generations back the lords of Dig and Bhartpur were barely recognized as even yeomen ; but seventy years of peace and comparative plenty have trebled the demand for pedigrees as well as other luxuries.

The Jât of the Panipat Bangar still bears a strong family resemblance to those doughty plunderers, and his pugnacious instinct and hastiness when the blood is up, in cudgel play, lead to many affrays and even man-slaughters. In the south-west corner of Kaithal, a group of Jât villages, taken over by exchange from Jhind are famous for their turbulent behaviour. A certain Jât from one of these lately defied the whole brotherhood from his own village to the neighbourhood of Rohtak to prevent his carrying out a wedding which a grand committee of elders had condemned, and was much aggrieved because the District Superintendent would not let him have an escort of Police on payment, for a triumphant progress through the villages of his dearest enemies in the heart of Jhind.

A leading Chaudhri, however, gravely informed me the other day, that all this pride would have an early fall, because the

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\* By the late General Sleeman.

guardians of the tribal morals had taken steps to "sue the father of the bridegroom before the Rohtak Judge for bigamy."

A heap of matters of this color, that would have ended forty years ago in bloodshed, are now fought out in the Courts of law, to the advantage of the public peace, but with too often ruinous results to the litigating champions.

Law suits, and seclusion of their women, as communities or individual families advance in means, indulgence too at times in fashionable vices, threaten to sap a class that is, in some respect, the best among the rural population.

The Ját is a born farmer; but he makes an excellent soldier too, and many used to enlist, especially in Murray's Horse (the XIV Bengal Cavalry.)

The Ját women still enjoy more freedom than those of any other classes, and wield much influence in their homes and villages. In the Kaithal tract the widow of a village headman often claims his office, and such appointments continued to be made until quite recently.

The Rajputs are, perhaps, the most ancient settlers after the Tagas, but the clans which now predominate in the district have taken the place of older septs, such as the Pandirs, representatives perhaps of the mythical Pandus—the Tunwars, (Tomaras), kindred of Pirthi Raja and his predecessors on the throne of Dehli, and the Bargujars, more ancient possibly than either. A few Bargujars linger in Indri, and tradition bears that they originally held Kaithal, Guhla and Siana (near Pihowa).

The Junwars still survive in Gumthalla and other Kaithal villages, but the oldest families are in Panipat, headed by their chaudhri, Rysat Ali, the energetic president of the Local Board.

Of the Pandirs only their name survives in the town of Pundri, and their ancient capital of Pundrak near Karnal. They were driven out, so says the Chauhan legend, by the Chauhans, who came from the country near Moradabad (east of Jumna) some five centuries ago, and overran the land as far as the grazing grounds of Haryana (Hissar) and the wastes of Eastern Rajputana.

They are mostly Muslims now, but it is not uncommon to find two Pattis (wards) in the same village, one of the ancestral creed, the other Musalman, and often becoming attached to the strict reforming movement which has made of late years great strides in the Eastern Panjab.

The Chauhan is the typical Rangar (man-at-arms) of the debateable land. The "Ran," or battle field of the Nardak is his chosen home, where he can dream away the time beside



his browsing herd, till an opportunity occurs for giving or resenting quarrel on some straw of rustic sentiment. He is brave to a fault, proud, and on principle lazy, faithful to his tribesmen and his salt, and bitterly jealous of intrusion within the pale of his particular community; yet he often falls a helpless prey to the first rogue who finds a chance to play upon his weaknesses.

Until quite recently no Chauhan would touch the plough, and cultivators of inferior rank have found their way into many of the finest villages, first as tenants or even labourers, then as purchasers of the proprietary right which the ancient lords of the mark looked on for the most as a distasteful burden. Now-a-days they are awaking to their irretrievable mistake, and admit their folly with a frankness which is one of the chief redeeming points in a very chequered character. There are many patient and industrious husbandmen now among the Chauhans, but they are greatly handicapped by the rigid seclusion of their women.

The Chanhans estates lie chiefly in a belt stretching from the borders of Jhind along the course of the Chautang, almost to the Jamna bank in the Indri Parganna.

The Mandahirs, the next in importance of the Rangar clans, hold the strip to the south and east of the Chauhans, and have also villages to the north in the Kaithal country. They appear to have come from the west originally. They are even more generally Muslimized than the Chauhans, and their views regarding property in cattle, to put the case politely, even more archaic. If possession of a buffalo be nine points of the law, eight parts of the property may be looked on as clean gone if that buffalo happens to stray across the boundary of a Rangar village. By Nardak law the right to cattle turns on the

Good old rule the simple plan  
That he should take that has the might  
And he should keep who can,

and a waif or stray will only be restored on a proper embassy from the community which claims the beast, after due formalities, and the payment or promise of consideration to the finder.

Not long ago the Mandahirs of a village near Karnal presented to me "their grandfather," said to be a hundred years of age, and the owner of a valuable mare that had been privately impounded by a neighbouring village, on the paltry excuse that she had eaten sundry roods of wheat in the course of a morning ramble. All tribal forms had been duly urged in vain, and as a last resort, the station house officer invoked, but the impounders were obdurate, and the mare was now far away in the Frozepore district.

On inquiry from the tribal headman (Zaildar) it was explained that the account was held by competent judges to be two bullocks and a buffalo calf against the claimant's village, and that the venerable age of the complainant was a complication in itself, because, in a rather stormy youth, he had run up sundry personal scores, the wiping out of which in these less adventurous times was hardly feasible.

The work of the Police, as may be easily supposed in a pastoral district under such conditions, is no sinecure in itself, and does not make at all an impressive show on paper.

A complete sketch of the rural population cannot here be attempted. Rors, Malis, Kambohs are among the most industrious; the Rors are perhaps the leading rural class of the future; they are usually well off, and sometimes even wealthy. These are all nominally Hindus. Rains are Muslim-Malis. Their hamlets surround the towns where they anciently plied the trades of market gardener, seedsman, and green-grocer, to which they have now added farming both as tenants and proprietors. They are thrifty and skilful cultivators, and at Panipat the herb-growing industry, probably introduced by the Arabs, is in their hands. The chief herb staples are Kalaunji (*Nigella*, a Syrian product) and camomile (*Babuna*). One of their chief men in Karnal is a headman of the town, a Doctor (by acclamation) of the law of Islam (*Maulvi*) a Municipal Committee-man and a keen advocate of vaccination and other modern lights. The Rains are very commonly puritans (*Ahl-i-Hadis*) by profession.

Gujars, originally herdsmen and clients of the Tunwars, abound in the Panipat Khadir, and are found in the Naili tract of Kaithal. There are both Hindu and Muslim Gujars. The Hindu Gujars of Keorak were Rajputs, but came under a social ban, and so used to destroy their infant girls, rather than give them to their fellow Gujars, and special vigilance is still maintained in Keorak and the neighbouring Tunwar settlement of Pharal. Infanticide is also suspected to linger in a Ját village near Guhla.

The subsidiary and menial castes would take a treatise in themselves. Water-carriers, carpenters, oil-pressers, potters, barbers, weavers, washermen, skimmers and scavengers are generally diffused and as the labour market opens, their attitude is an increasing source of anxiety, not to say complaint on the part of the farmers.

The washermen, even in Hindu villages, are nearly always Musalmans. The Panipat weavers make well known but rather high priced blankets. The butchers are a thriving body, daily readier to assert themselves. They deal in flocks and wool, also in hides, and many drive a trade as pedlars in the villages.



It is a saying that a Panipat Qassab will not break his fast till he has turned a penny.

Gadariyas (wandering shepherds) and vagrant ironsmiths, who bring their stock in trade and families in carts from Rajputana in the winter, and ply their craft from village to village, are curious relics of unsettled times. More questionable wanderers are the Naths, Badis, and other gipsies.

The Biloch are a highly criminal tribe, now scattered in villages in the north-west corner of the Kaithal tract. They are house-breakers and work in gangs of five to ten. Taking different disguises, they travel by road and rail to distant towns, visiting even Bengal and the Bombay Presidency. The captain of the band passing, like Abdalla in the Arabian Nights, for a merchant, or as a mendicant, marks down the house of some rich banker or official, and having given the others all the clues, decamps. The next dark night his comrades enter the dwelling and carry off the valuables.

Dhanaks (bowmen) and Jogis are very ancient, possibly aboriginal classes: the former were village watchmen once: the latter (who are quite distinct from the sect of Hindu Sadhs) are the priests of the village Lares, and are reckoned as Musalmans. In every Ját village, and in some of other tribes, may be seen a pillar made of masonry or mud which is called "Khera," or "the mound," and is sacred to the genius loci.

Near Pihowa these retain the form of the Buddhist Chorten, impressed perhaps by the edict of some zealous Emperor. Another aboriginal race are the Maghs of whom a few survive in the Indri Khadir. They are looked on as "uncanny."

Among the agricultural classes are reckoned sundry colonies of Sheikhs, Syads, and Pathans, also the petty Sikh Jagirdars (assignees of land revenue), mostly JátS from the Manjha, (the tract that is about Amritsar and Lahore), who abound in the Indri Pargana.

The Chief Syad colony is at Barsat on the Jamna bank to the north of Panipat, but there are other settlements, of which those of Guhla and Siana in the Pihowa country have perhaps the most singular history, being descendants of Carmathian Sheikhs expelled from Persia by an orthodox Caliph.

Barsat was the scene, under the Tughlak kings, of a tragic episode: one of the Syads having shot the king's nephew on the royal road near Panipat, all his kindred were collected in a house, which is pointed out to this day in the village, and massacred in cold blood by a detachment of Pathans from Panipat.

The Sheikhs are chiefly found in Panipat, where there are two great sections, the Ansar, and the Muhajarin or Makhdum

Zadas. The Ansar are genuine Arabs, and have furnished several distinguished men to the roll of Indian history. Their present head is the Nawab Fazl Ahmad Khan, president of the Municipal Committee of the town. The Makhdum Zadas are sprung from Seikh Jalaluddin (\* Kabir-ul-aulia, *i.e.*, the "Grand Master"), whose shrine is one of the precious things in Muslim and in antiquarian eyes of the district. These furnished Qazis to the neighbouring tract in former times, and still are often found in public employment.

Panipat is also the seat of a colony claiming descent from the royal sept of Lodi. There are Pathans in Kaithal too, and in Panipat, Karnal, and Kunjpura are other families of Afghan origin, in which Pashtu was until quite lately spoken, fragments, doubtless, of the Persian and Abdali armies. The Pathans of Bassi Akbarpur in the Karnal Khadir will be mentioned later.

The Kunjpura Afghans still follow the profession of arms, enlisting mostly in the 5th and 6th Bengal Cavalry.

The Nawab of Kunjpura is the head of the Rohilla element. In Imperial Deeds his ancestors are described as Kakars (of the Sind border,) but the actual founder of the house, and first ruling Nawab seems to have come from Gurgusht in Chach-Hazara, north of Rawalpindi, and the legend bears that he began his fortunes through guiding Nadir Shah by a secret ford of the Jamna to fall upon the rear of the Imperial army.

My ward, Nawab Ibrahim Ali Khan, is being fitted for a somewhat different though not, it may be hoped, less useful and distinguished part, at the Aitchison College. His Jagir income is Rs. 30 558 a year, and the tenant roll stands at Rs 17,153. The rents, when the Court of Wards assumed its charge, were almost all levied in kind, a system dear to the local gentry, but ruinous to their interests and often to the tenants as well. Now all have been converted into money terms, fortunately without a single suit, and the old regime is perhaps regretted only by the middlemen and hangers-on who thrived by fleecing, with the help of appraisements, weighments, collections, actions and executions for arrears, both their masters and the farmers.

The next in precedence of the district aristocracy are cousins of the defunct Kaithal family, the Bhais, namely of Arnauli and Sidhuwal, who own extensive grants of revenue, and also proprietary rights in the north-west of the Kaithal Tehsil. Bhais Jasmer Singh and Anokh Singh are Honorary Magistrates within the limits of their jagirs. Other Sikh notables are the Sirdars of Shamgarh, Sikri and Guda, and a host of minor Jagirdars in the Indri Pargana.

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\* Or Kabi-ul-aulia.



The assigned revenue of the district totals Rs. 1,95,000 per annum, and as the bulk of this is collected for the grantees by the State machinery, and the lesser Sikh assignments are still divided on the original "horseman's shares" derived from the muster-rolls of the Khalsa "Misls," the distribution and succession work thrown on the Collector's office may be imagined.

The best known of the Karnal Jagirs, however, is the notorious Mandal grant, which when originally fixed in 1806, amounted to the making over hand and foot of the husbandmen of the Karnal Parganna to a band of Condottieri, originally Muslim Jâts from the Samana country, whose room the authorities of Meerut and Saharanpur appear decidedly to have preferred to their company.

The leading Mandals nevertheless, the titular Nawab Azmat Ali Khan and his half brothers, whose lawsuit with the head of the house, decided in their favour by the Privy Council in 1881, is a cause célèbre, have succeeded in retaining great estates in the Meerut and Mozaffarnagar districts of the N. W. P.

An active member of the family is Shamsheer Ali Khan, president of the Local Board of Karnal, and also Chairman of the Municipal Committee of the town.

The town lands of Panipat are among the local benefices, revenue to the extent of Rs. 25,000 being released in perpetuity annually to the Arab, Sheikh, Pathan, and Tunwar owners; and the chief shrines of the city have independent grants in neighbouring villages.

At every turn, indeed, the local revenue officer encounters monuments of the piety or profusion of successive dynasties, often only made to-day to be swept away to-morrow, but scrupulously maintained and even restored by the conservative power that has taken up the tangled threads of past confusion.

These liberal drafts upon the public purse have hardly, as a rule, been turned to the best account by the beneficiaries. The Jagirdars are usually milch cows for enterprising usurers, and the debts of certain cadet branches of the Mandal house are on a scale which it would hardly be amiss to call magnificent. The worst of a state of things, which in its local colouring sometimes recalls the scenes and situations made familiar for another country by the pen of Lever, is that it has reacted in a mischievous degree on the farmers and the peasantry, especially of the Nardak, where a great portion of the Mandal belongings lie.

In the Kunjpura villages, too, the Chauhan cultivators, who were given a title to the soil, became exceedingly depressed, and in either tract reductions of revenue and rents have followed at repeated intervals.

The settlements effected by Messrs. Ibbetson (1883), and Douie (1888), it may be hoped have turned the tide, but if so much of this imperfect sketch is engrossed by what is likely to be soon forgotten history, it is because the district may be said, without a paradox, to have only just begun to have a present.

If India as a whole has been pictured as a land of regrets, the eastern Panjab might be called a burying ground of bitter reminiscences. The Karnal district in particular, though a treasure house for the antiquarian or naturalist, has been very little in touch with busy modern interests. Even as a field for sport,—and here its fame needs no addition,—it owes its excellence in the past, to wastes unpeopled by misgovernment or centuries of war, and to the swamps and reed beds fostered by the old canal, a much abused but long-lived institution, which would take an essay in itself, to say nothing of the tons of periodical returns and other literary silt for which it has to answer. To literary censors it might plead in extenuation General Strachey's Minute of 1867, or Mr. Ibbetson's graphic description of the evils wrought through the abuse of irrigation by the people.

Tried on its merits, the Western Jamna Canal may have to justify its past, but it boasts at least of a grand achievement in its present. The new main line and its subsidiary branches are silent witnesses, but to those acquainted with the district they are more than eloquent. Moreover, side by side with the high level distribution works, a great system of drainage has been planned and in part completed, of which it is not too much to say that it has changed the soil and climate of whole areas lately drowned or water-logged.

The Bijna and Bazida Jhils still harbour snipe, but their glory is departed. The Churni swamp is doomed, and the fens near Rer were under excellent wheat when I last saw them.

Drainage apart, the district still abounds with certain kinds of game. Quails, sand-grouse, plover, pigeons, (blue, and green) and the grey partridge are common. Black partridges collect in certain spots in certain years, and a few are always found in most localities. Of water birds several sort of geese and ducks are plentiful in parts, and cranes abound. I have never seen the great bustard, but the "florican" is said to reach the Kaithal tract.

Hares are common. The antelope is found throughout the district, but is most frequent in the Kaithal tract. Ravine deer are rather few, I think, and possibly are disappearing. Hog deer swarm in certain jungles in the Indri Khadir. The blue bull is frequent in the Nardak scrub, but very shy. Wild pigs are a flagrant pest and often dangerous.



Of \* larger game only leopards are left, and as three of these were killed last year, the supply is perhaps nearly exhausted. One was a large male, who haunted the old cantonment jungle in 1885, and was said to live exclusively on pigs and donkeys. He appeared this spring near Indri where the bulrushes of a disused canal cut gave him shelter, and mauled a party of gipsies whose dogs disturbed him, killing one man and seriously wounding another. He was ignominiously done to death at last by a gang of Naths who banded to revenge the death of their tribesman. This leopard pretty certainly had strayed from the Nahan forests.

Many lives are taken annually by snakes, and a few by crocodiles. The District Board paid Rs. 5,152 in rewards for cobras and karaits last year; also Rs. 210 for jackals which are very mischievous to crops,—especially to cane and maize. Deaths from the bite of mad jackals occur with painful frequency. Wolves are comparatively few.

Arms are lent from the district lumber-room for the destruction of noxious beasts and the protection of crops, but the difficulty is to get the villagers to utilize their licenses. The Hindu Rajputs and the Jâts will hardly use a gun except under compulsion, and even Musalman farmers usually take out the license in the name of a Faqir or other village menial. The greatest agricultural plague of all,—greater even than pigs or antelopes perhaps,—is that of monkeys, and these the district officer cannot well proclaim for obvious reasons, though the cultus, in the villages at least, is certainly decaying.

Fish are plentiful, but the revenue, public or private, derived from fisheries, is trifling. Pages might be written on the birds and insects of the tract, also the trees and grasses, to say nothing of flowering shrubs and herbs of use or interest. The † Pipal is indigenous in the Nardak waste, and the same region is the home of a wild cotton which seems to be the same as that previously found in Rajputana by my friend Mr. Duthie.

The grass flora of Karnal is rich and varied; the ‡ Anjan (or Dháman) grasses being perhaps the finest kinds for hay at least: and the local capabilities for horse-breeding and cattle rearing are exceptional. The Government is acquiring the old cantonment lands for a grass farm and nursery for remounts, and a great impetus to local breeding is expected.

\* Lions were found up to 1821, and tigers up to 1827.

† Dr. King, (Fl. Br. India Pt. XV, p. 513. under *F. religiosa* L.) refers, no doubt, to the range of public collections.

‡ Species of *Cenchrus* and *Pennisetum*.

General Parrott, as every lover of the horse in India knows, had shewn the way in this direction, and his home farm, which with some concessions from the State, he carried on from the breaking up of the Government stud in 1876, should, for those interested in the resources of the country, need no fresh description.

The District Board has built stables for two Government sires at Panipat and is building others, and the Kunjpura estate has bought an Arab sire for local use, selected by Mr. Hallen's kindness through the department, so that in time horse breeding will resume the place, it may be hoped, which it traditionally held when Akbar settled certain Afghan breeders at Bassi, since called Akbarpur, in the Karnal Kadir.

Formerly horses were bred at Keorak and elsewhere, notably by the Gujars, who are still the great promoters of this vital industry. A horse fair, with an agricultural show combined, was started in 1887.

The sphere of this rough outline of an "unimportant district" has been monotonously bucolic, but the tract is so preponderantly agricultural, that there is really little to describe in the district of to-day, beyond the people and its products. The ways and customs of the rustic folk provide a fund of interest in themselves, but it is not given to all of us to glean, even in this tempting field, after the harvest garnered in the pages of the Settlement Report of the Panipat Tehsil and Karnal Pargana.

Trade and traders exist, but beyond the typical banking and shopkeeping pursuits, there is little market. Kaithal manufactures saltpetre, but the industry is much decayed, the Salt Rules having led the capitalists, so at least they state, to shift their works to the neighbouring Patiala territory. Sal ammoniac, too, is made in different places, notably in Gumthala, a large village near Pihowa. Panipat has glass works, chiefly devoted to turning out the mirror glass, spangles of which are let into the embroidered cloaks and petticoats of the country housewives. The brassware of the same town is excellent and famous, and its silversmiths make little hollow beads ("pearls") which are much admired for shape and finish.

The Purbia colony in the old cantonment Sadar Bazar at Karnal consists largely of Mochis whose leather work is justly in demand. Many of these are well-to-do and receive heavy contracts for boots, saddlery and other equipment from regiments and the Police.

The imports into the district are mainly cloth and goods of a like class from Dehli. Of exports, cotton, gram and oilseeds bulk the most. Of late years a great demand has sprung up for seeds—rapeseed especially, from Dehli and even Bombay,



and buyers came at the harvest of 1888 to the farmers' very doors from distant markets.

Karnal stands fifth among the gram producing districts of the province.

Cotton "goes to press" at Dehli or Ambala. The local cane is universally crushed by mills of the Beheea pattern. At first the mills were hired out by speculative Banias, but now in the stronger Jât and Ror villages, every "Lana" or cultivating partnership keeps a mill of its own, the initial cost being borne by the head proprietor who gets an extra share, on the same principle as the contributor of ox-power.

An extensive through traffic holds across the district from the "Jangal Des" to certain ancient marts in the Meerut and adjoining districts. The Panjab camel-men and carters bring down gram, and take back gur and cloth in return.

Excepting isolated patches there is only one metalled high-way, the Grand Trunk Road (Dehli-Umbala) in the district. The hard Nardak soil makes an excellent road, except after heavy rains, when traffic even between adjacent villages is suspended.

There are three municipal towns, viz :—

Town.	Population in 1881.	Class of Municipal Committee.
Karnal ...	23,133	2nd class
Panipat ...	26,572	Do.
Kaithal ...	14,754	Do.

Panipat, of course, is mainly Musalman ; in Karnal and Kaithal the Hindus are predominant.

Kaithal is a picturesque and interesting place. The district rest-house was built as a reception palace by Bhai Ude Singh, who also made the pretty but uncomfortable house at Pihowa. The Kaithal façade mounts to four stories, and from the highest one commands a striking view across the sacred lake of Bid Kidar, fed from the Sarusti, of the ruined fort and lofty buildings of the palace and the cluster of shrines and temples opposite. The house and town are reached by a tasteful bridge over the Bid Kidar aqueduct. and the whole surroundings are quaint and old-world.

The Brahmans of Kaithal and Pihowa have been spoken of before. In Kaithal, Khatris and Banias are evenly divided. In Karnal the mercantile class is composed chiefly of Mahajans.

In Panipat there are no Khatris ; but the Kayaths—who still

monopolize a large proportion of the local loaves and fishes—are strong. Intellectual acuteness among the Kayaths and also the Brahmans, especially of Panipat and Kaithal, stands at a high figure.

The district staff is on the usual lines of an outlying Panjab district. Except the Deputy Commissioner, all the Revenue officers and Magistrates are members of the Provincial Service, usually Indians. The Deputy Commissioner is also District Judge, but regular original suits and appeals in Munsiff's cases are taken by a Subordinate Judge specially invested.

A European Police officer and a Civil Surgeon, make up the Civil strength, the Medical officer being also Superintendent of the District Jail. The Military Department is represented by the Remount Officer in charge of the newly constituted rearing farm, whose duties, however, take him to the principal fairs and markets throughout the province.

The Canal officer's head quarters are not in the district : but there is a Sub-Divisional officer of the provincial branch of the P. W. Department at Karnal.

There is a Local Board in each tehsil, and the District Board is composed of Local Board delegates and certain nominated members. The Deputy Commissioner is ex-officio president, but I have seldom had to preside in person at the meetings. The local bodies have a paid Secretary and one Engineer. This statutory element, however, by no means exhausts the scope of Local Government. There are 38 tribal headmen, or Zaildars, who receive pending office, substantial grants from the revenue of a specified estate, usually the village of their residence, and no less than 2,650 village headmen ( " Numberdars " ) In some estates there is a headman on an average to every 50 households. This is due in part to the temper of the Jâts who hold tenaciously to the axiom, that " every man is as good as his neighbour and a great deal better too." The total gift to headmen from the district revenue is about Rs. 42,500 per annum.

Of late, however, the tribal and village headmen have had a fair amount to do in return for this liberal expenditure. The Zaildar can be made the district officer's sheet anchor in matters of local progress and improvement. Rural Police and the registration of births and deaths are worked through the village constables who are nominated by the headmen.

The Government revenue, naturally, is derived mainly from the land assessment. Last year's collection from this source came to Rs. 6,57,808. Suspensions in bad years are made and specially enjoined where really necessary, and remissions on a great scale have been unhesitatingly applied in view of local circumstances.



Canals contributed in 1888-89, Rs. 20,15,000, which in Karnal is practically an item of land revenue also. The relative importance of other heads of public income may be gathered from the latest figures thus:—

<i>Excise.</i>	<i>Stamps.</i>	<i>Income Tax.</i>
12,458	48,921	over 40,000

The population was returned in 1881 at 622,621. With recent territorial additions it is probably now over 700,000. The people are, as a rule, abstemious, and drinking in the rural parts, if anything, is on the decrease. Recent administrative steps have done something to check the use by townspeople and clerks of "Prime Jamaica Rum" and other poisons pushed by energetic apostles of free trade in alcohol from the Bombay presidency. I wish I could say the same for smuggling and illicit distillation, also the use of morphia and "pick-me-ups" concocted with the help of Bhang, on which the Government revenue cannot exercise so marked a check.

There are no resident European planters or merchants in the district, the owners of the Skinner's Estate Zemindaries being absentees. Mr. Carleton, of the American Presbyterian Mission, leases a Government estate in the Kaithal Tehsil, where he has done something to improve the local breed of cattle, and set an example in the way of dairy-farming.

There are 5 dispensaries maintained from local funds and 5 middle schools, but education is as yet in a very backward state. Medicine and surgery are better appreciated by the rural population at least.

The S. P. G. Mission at Delhi has a branch at Karnal, and maintains a dispensary primarily for women and children in the town; their organization includes also schools for girls and Zenana visiting—a bridge between English and Indian homes,—which is much and growingly appreciated by all creeds and classes. The ladies of the Mission also supervise, by a special arrangement, the work of the Zenana hospital, started by a district association for the extension of medical relief to women. This association, which includes most of the representative gentlemen of the district, maintains a certificated nurse and otherwise provides, with help from local bodies, for the very pressing objects indicated by its name. Mr. Carleton at Santokh Majra, and Dr. Carleton whose dispensary at Ladwa is on the border, also furnish aid to the sick of the district.

The distribution of quinine in the malarious season is an annual care to the local bodies and to all interested in the welfare of the people. The ravages of fever at times are terrible. In 1884, 1,629 deaths were estimated to have been caused by fever in the town of Karnal alone; and 22,800 in the district as a whole. The condition of the district formed the

subject of a note by Sir Charles Aitchison, in which the thanks of Government were expressed to the Civil Surgeon and the Mission-workers for their efforts in combating the epidemic. Since then improved drainage for the environs of the town and station has been established : one of the worst tanks has been closed, and a new one made in its place by the kind assistance of the Executive Engineer of the Karnal Division of the Western Jamna Canal, and a periodical supply of running water from the canal secured for the chief reservoirs.

The great evil from which the district suffers, since the fighting times at least, may be said to be, in more senses than one, stagnation. We are trying, however, to amend, and the railway no doubt will act as a safe but powerful stimulant.

I have said nothing of the religions of the people. The subject is too intricate and too important for the present treatment. For their morals I would quote from Mr. Ibbetson :—

I have a great liking for the ordinary villager. His life is one of monotonous toil under very depressing circumstances. He grumbles much, but only as a farmer is bound to do ; and he is marvellously patient, cheery, and contented on the whole. He is often exceedingly intelligent considering his opportunities, he is hospitable in the extreme, and he loves a joke when the point is broad enough for him to see. His wants are easily satisfied."

"I will even say that, according to his standard, he is moral, though his standard is not ours. The villager looks at the end, and not at the means. If he honestly thinks that his friend is in the right in his claim, a respectable man will tell any number of circumstantial lies to produce the same impression on the mind of the Judge. But if he thinks him in the wrong, he will not bear evidence for or against him ; he will say that he knows nothing about the matter. And when formally confronted by the whole brotherhood, a villager will rarely persist in a claim which he knows to be false. Of the good faith that governs the mass of the people in their dealings with one another, it would, I believe, be difficult to speak too highly, especially between members of the same community."

To the well disposed bearing and courtesy, according to their lights, of whole classes of the people, every one who knows them well can witness. The gentry, the substantial yeomen, and many prominent citizens have freely given their influence and resources in the cause of order and the public good on numerous occasions, and in the fiery trial of 1857, the heads both of the Kunjpura and Mandal houses rendered services duly rewarded at the time and still amply remembered.

Loyalty may well be looked for from a district that has suffered so deeply in the past, as keenly to enhance the blessings of present peace and the promise of the future.

J. R. DRUMMOND.



ART. V.—AN EX-LIEUTENANT-GOVERNOR  
ON INDIA.\*

THE fact that one of the ablest Lieutenant-Governors that India has ever had, thinks it worth his while to write a book about India, and to correct many errors that prevail in England in connection therewith, is a sign of the times. A sign that the times are out of joint, and that heroic efforts are necessary to put them right. A sign that England's enemies have met with some success: that misrepresentation is making headway, while seditious sentiments are more openly expressed than at any previous period of Indian history.

It behoves those who know something of India and its administration to write and give the public the benefit of their knowledge. If the enemies of England and India are drilling their forces for systematic and repeated attacks on the existing order of things, it is surely necessary that there should be a serried phalanx of defenders, alert against treacherous surprises, and ever ready to combat falsehood and misrepresentation. It seems to us that "India" is an outcome of the times. How can the truth prevail if those who know it sit with their hands lazily folded, and never tell the public what they know? The appearance of this book shows that it is at last coming to be thoroughly recognized, that officials and ex-officials ought to do what they can to stem the tide of misrepresentation, and not let the enemies of India have it all their own way. Officials have all the information and material for writing, and if every official on furlough or on retirement would write but a single article, we should have an instructed public, instead of as at present, one that is either uninstructed or wilfully misinstructed. Sir John Strachey has had a good innings, scoring three figures. If we cannot all score three figures, we can score two, or at least one.

The author points out that the differences between the different countries in India is greater than those between the countries of Europe. Scotland is more like Spain than Bengal is like the Panjab. There are no countries in civilised Europe in which the people differ so much as the Bengali differs from the Sikh. An educated Mahomedan gentleman of Northern India has more in common with Englishmen than with the Bengali graduates of the University of Calcutta.

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\* India: by Sir John Strachey, G. C. S. I. Kegan, Paul, Trench & Co., 1, Paternoster Square, 1888.

The first and most essential thing to learn about India, is that there is no country of India possessing any sort of unity, physical, political, social, or religious; there is no Indian nation, and no people of India. When that *pons asinorum* has been got over, knowledge about Indian matters becomes easier to acquire.

A good portion of Sir John Strachey's book is purposely elementary, because he has written for English readers, and he has recognized the fact that he has to dispel an ignorance, in comparison with which Cimmerian darkness is the sun itself. And this is no rhetorical hyperbole, as the knowledge of even those who are in a manner informed is often confined to Macaulay's Indian essays and the memoir of Mr. Justice Onocool Chunder Mookerjee, supplemented by a few magazine articles by such prejudiced writers as Messrs. Digby, Hyndman and Seymour Keay, the relation of grievances by a few law students and Dadabhai Naoroji, and the outpourings of those who, like Amrita Lal Mookerjee, have been asked if they could not try to "feel very bad" about India, and then write something of a harrowing description. But as the *Calcutta Review* is read principally by Indian readers, we will pass over the chapters which describe the physical features of the country, the constitution of the Government, the army, the public revenues, the foreign trade, taxation, home charges, public works, and education.

In speaking of the administration of justice, the writer refers to the wilderness of enactments and circular orders, and the chaotic state of the law which existed prior to the transfer of the Government from the Company to the Crown:—

"These difficulties were increased by the devotion of the superior Indian Courts of that time to technicalities which survived long after they had ceased in England to be seriously mischievous. Even in the later years of the East India Company, the Civil Courts often seemed to be intended rather for the performance of certain forms and ceremonies than for the administration of justice."

No wonder that the Government shrank from inflicting such evils on newly acquired Provinces. A simpler form of administration was found to be not only cheaper, but better. Thus arose the distinction between "Regulation" and "Non-Regulation" Provinces. But it is a very common mistake to suppose that in the latter, the administration was conducted in a rough and ready way, in accordance with each officer's notions of equity, unhampered by law. The Government of the Panjab in 1860 really deserved, *quoad* the judicial administration, the name of a Government by law far more than the Government of the North-Western Provinces or of



Bengal. In the former case the laws, though simple, were rational, intelligible, and certain ; in the latter case the system was so chaotic that there was virtually almost no law at all. When the admirable codes of law and procedure were introduced, less change had to be made in the system of administering Criminal and Civil justice in the Non-Regulation than in the Regulation Provinces. The best code, the Penal Code, had been completed by Lord Macaulay, while he was in India, between 1834 and 1838. During the next twenty-two years it was revised from time to time by Lord Macaulay's successors, and especially by Sir Barnes Peacock, the last Chief Justice of the Supreme Court of Calcutta. "The long delay in the enactment of the Penal Code," remarks Sir James Stephen, "had thus the singular, but most beneficial result of reserving a work which had been drawn up by the most distinguished author of the day for a minutely careful revision by a professional lawyer, possessed of as great experience and as much technical knowledge as any man of his time. An ideal code ought to be drawn by a Bacon and settled by a Coke." Sir Henry Maine says of the Indian Codes : "British India is now in possession of a set of codes which approach the highest standard of excellency which this species of legislation has reached. . . In form, intelligibility, and in comprehensiveness, the Indian Codes stand against all competition." Sir James Stephen has pronounced the Indian Penal Code to be "by far the best system of criminal law in the world."

Any account of the administration of justice would be incomplete without a reference to the "Black Act," and Sir John Strachey alludes to the furious opposition with which this measure was received in Calcutta. Up till 1836, European British subjects were under the jurisdiction of the Supreme Courts alone. The Black Act (XI. of 1836) decided that they should be made amenable to the Civil Courts of the Company, and that in this respect no distinctions should be maintained between them and the nations of India. The honor of having insisted upon passing this wise and necessary law is mainly due to Lord Macaulay. The opposition of the Europeans, although to the last degree violent, was virtually confined to Calcutta, and as the number of the English outside the Presidency towns was then comparatively small, the outcry against the Government was less formidable than that of 1883. Lord Macaulay describes in a minute the state of things that then prevailed :—

"Till the passing of Act XI of 1836, an Englishman at Agra or Benares who owed a small debt to a native, who had beaten a native, who had come with a body of bludgeon-men and ploughed up a native's land, if sued by the injured party for damages, was able to drag that party before the Supreme Court of Calcutta,

(a distance perhaps of 1,000 miles), a court which in one most important point—the character of the judges—stands as high as any court can stand, but which in every other respect I believe to be the worst in India, the most dilatory, and the most ruinously expensive. . . . The expenses of litigation in England are so heavy that people sit down quietly under wrongs and submit to losses rather than go to law, and yet the English are the richest people in the world. The people of India are poor, and the expenses of litigation in the Supreme Court are five times as great as expenses of litigation at Westminster. An undefended cause, which might be prosecuted successfully in the Court of King's Bench for about £8, cannot be prosecuted in the Supreme Court under £40. Officers of the court are enabled to accumulate in a few years, out of the substance of ruined suitors, fortunes larger than the oldest and most distinguished servant of the Company can expect to carry home after thirty or forty years of eminent service. I speak of Bengal, where the system is now in full operation. At Madras, the Supreme Court has, I believe, fulfilled its mission. It has done its work. It has beggared every rich native within its jurisdiction, and is inactive for want of somebody to ruin."

And this criticism comes from one who, as an English barrister and lawyer, was prejudiced in favour of the Supreme Court. It is said that the Original Side of the High Court at the present day runs the Supreme Court, in the matter of expense, a very close second.

The author does not touch on the subject of religion at great length. It is doubtful whether any two Hindus taken at random would give the same or even similar definitions of Hinduism. The future religion of India is one of the most interesting problems of the day. The educated males are more and more giving up religious observances to the females. Of course the same tendency is noticeable in European countries, where the number of women who attend places of religious worship far exceeds that of the men; but the causes are very different. In Bengal numbers of the women of the educated classes are coming under the influence of Christianity, or at least Christian influences. The work done by Zenana Missions has often been disparaged, and Missionaries spoken of as a class contemptuously, because here and there a member may not have sufficiently shaken off his worldly instincts. But they do much solid good work, and they are gradually reaching the men through the women. The cry of "Hinduism in danger" and the anti-kine killing agitation have not emanated from the orthodox class; they are rather political than religious movements, started and fostered by those who have lost their own religion and acquired no other. It is these men who know that a nation cannot be a nation worthy of the name, if it is not influenced by religious and moral sanctions, and moral sanctions are ultimately the sanctions of religion. It is these men who thirst for something to fill



up a terrible void, and yet do not wish that void to be filled up by Christianity or Islam. Some join the ranks of the Brahmos, and hence it is only natural that Brahmoism should exhibit a tendency to split up into different sects or sub-sects. Others get along without religion until the autumn of their middle age, when they either revert to orthodox customs and observances, or derive solace from a sort of educated religious self-training, consisting chiefly of meditation (dhyān) and the reading of the Veds. An increase of religious feeling among the educated classes will not result in an increase of pure Sivaism or pure Vishnuvism. The temples of Srirangum are thronged with Sivaite devotees in certain months of the year; but you may count ten women to one man. As to Vishnuvism, the number of male devotees seems to fall away with the spread of education and civilisation. At least thirty women to one man may be seen toiling along the Jagannath Road to Pooree in the month of the Ruth Jattrā. Women in all countries require more religious support and excitement than men, and to this it may be added that a religious pilgrimage to Kasi, Periag, Brindabun, or Purushtom forms an agreeable change in the monotony of a Hindu widow's life. Railways and better communications may give a temporary impetus to pilgrimages, but at the same time the social and worldly aspects of the festival are probably developed at the expense of the religious. For instance, it is said that the steamers of Messrs Hoare, Miller & Co. have recently attracted more pilgrims to Saugor Island (Gangā Sāgor); but they chiefly consist of those "on pleasure or on business bent." We have on several occasions entered into conversation with the chaprassies or touts sent out by the priests of Benares, the Gywals of Gya, or the Pundas and Pariaris of Pooree. These men have told us that it requires more trouble and persuasion to get pilgrims (*jattris*) than heretofore, and that the latter do not so readily disgorge their rupees as they used to. These touts may be seen wandering about the villages in almost every District of Bengal. There is little or no "poaching" in the case of well-established clients, Purohits handing on their *jujmans* to their sons or successors: but there is competition for new clients. There are certainly some unmistakable signs that religious enthusiasm (where not fanned, as in up-country towns, by rivalry with Islam) is on the wane. Some years ago the Car of Jagannath at Pooree used to be pulled to the Garden House of the god by pilgrims with the utmost enthusiasm; and also back again on the day of the *Uta Ruth*, nine days afterwards. But year by year this enthusiasm waned, and the rank and file of the Bengal Police had to be requisitioned to bring up

laggards to the ropes and make them pull. Some years ago it forcibly struck the Government, that the constabulary of a Christian Government were performing a somewhat extraordinary and anomalous duty in compelling pilgrims to perform their religious duties; and orders went forth that the police must in future confine themselves to their legitimate duties, the protection of life and property. From that date a sufficient number of pilgrims willing to pull the cars has not been found, and they have had to be pulled by labourers hired for the purpose! Sir Alfred Lyall's definition of Hinduism is as good as any that has ever been given, and the very definition gives point and strength to our assertion, that Hinduism proper must give way to something else. "Hinduism" he says in *Asiatic Studies*, is "a tangled jungle of disorderly superstitions, ghosts, and demons, demi-gods, and deified saints, household gods, tribal gods, local gods, universal gods, with their countless shrines and temples, and the din of their discordant rites—deities, who abhor a fly's death, and those who delight still in human victims."

Our author has an interesting chapter on agriculture and land revenue settlements. The late Sir Henry Maine remarked that the reports of the settlement officers "constitute a whole literature of very great extent and variety, and of the utmost value and instructiveness." "I have now before me," says Sir John Strachey, "one of these settlement Reports, a folio volume of more than four hundred pages. I doubt whether there is any English county of which you could find so minute a description. Physical geography, climate, history, castes, religions, communications, population, commerce, condition of the people, education, agricultural statistics, systems of cultivation, tenures of land, history of past and present settlements, rates of rent and revenue—there is hardly a subject of interest in regard to which the results of long and patient investigation have not been recorded. This is the class of authorities to which we must go if we desire to learn the truth about the condition of the people." And yet these valuable sources of information are pigeon-holed in Secretariat and Collectorate libraries, and never made accessible to the public.

In his account of the civil administration, the writer points out that there is no country in Europe in which judicial and executive officers receive salaries equal to those given in the Native Civil Service of India. The first President of the Court of Cassation in Paris gets only £1,200: a Native High Court Judge in Bengal receives £5,000. In the French Courts of appeal, the salaries of the First Presidents range from £600 to £1,000, and of the other Presidents from £300 to £550; the salaries of Native Subordinate Judges range from



£720 to £1,200. The Judges of the *Tribunaux de Première Instance* get from £144 to £800; Munsifs (the lowest grade of Judges in Bengal) get from £300 to £480.

The importance of upholding the authority of District officers is forcibly dwelt on. "Where," says the writer, "an absolute Government is administered by a small body of foreigners far more advanced in civilisation than the people of the country itself, the most essential condition of safety to the rulers, and of good Government to the people, is that authority should be strong, and authority cannot be strong unless it is concentrated. In every district of British India the Government has its representative in whom all executive authority centres. It is a deplorable matter that in Bengal, the "microscopic minority" in Bengal are evincing a hostile attitude towards the administration, and are doing their best to weaken the authority and prestige of the District officer."

The Government, if it fails to uphold the authority of its District officers, must at the same time strike at the roots of its own authority. The recent tendency to over-centralization is undermining the foundation on which British rule has been built up. Over-centralisation is produced by lazy, weak, and inefficient officers; but the true remedy is to get rid of such officers, and to replace them by men of ability and industry. In this connection the writer remarks:—

"If the District officer is weak and incapable, authority and law in the district are weak also; if he is strong and competent, they are respected. Every cause which tends to diminish his influence lessens the authority of the Government, whether that cause be shortcomings of his own, or the injudicious action of his superiors. At the same time, it must not be supposed that he has any irresponsible and arbitrary power; all the more important duties are strictly regulated either by law or by rules laid down by the Government, and all his proceedings are subject to supervision, and, when necessary, to correction."

As regards jail administration, the writer remarks: "Every district has its jail, and there are central prisons in convenient situations. There are few countries in Europe where the jails are so well looked after. A great Indian prison is a model of cleanliness and good management." Jail administration in India, carefully supervised by Local Governments, who are again watched by the eagle eye of the Supreme Government, is year by year attaining a greater state of perfection; and it is a fact that a majority of the prisoners, especially those belonging to the thieving castes, enjoy more comfort and more and better food than they do out of jail. Prisoners are given well-cooked food and the best water procurable, carefully filtered. They are periodically weighed, and are immediately given lighter work or relieved of work altogether, if they are

losing weight. They are daily examined by an experienced medical officer, and sent to the jail hospital if unwell. And the tendency is to err on the safe side of sending them too soon rather than too late; for every Superintendent is keenly and personally interested in keeping the death-rate down to the lowest possible limit. It has recently been questioned whether jail life is sufficiently deterrent for the lower castes; for the upper classes there can be no doubt that it is so, and a gentleman accused, who has committed an offence, will spend a great part of his income to get off, or at least to escape a sentence of imprisonment. In England prisoners are given educational instruction; but in India it has been thought that to do so will only make the criminal classes more clever and accomplished criminals. But though secular instruction does not reform, moral and religious instruction may do so, and it might be advisable to introduce instruction of the latter sort into Indian jails. The difficulty of doing so consists in the absence of a Missionary or proselytising element in Indian religions. In England clergymen are only too glad to avail themselves of permission to visit prisoners. It may be doubted whether any Mahomedan Maulvie would care to visit a jail periodically for the purpose of reading a *khutba* (sermon) to the Moslem prisoners. What has been said above as to the Hindu religion will show the difficulty of providing any suitable instruction for Hindu prisoners.

• Our author has an instructive chapter on Native States, and though his condemnation is not so sweeping as that of Sir Lepel Griffin, still it throws a flood of light on the real character of the administration in those States. It is shown that our conquests did not absorb nationalities, displace long-seated dynasties, or level ancient nobilities. The rulers and their principal officials are often as much foreigners to the population as the British, while their religion is in many instances different. In the territories of the Nizam of Hyderabad, nearly the whole population is Hindu, but Hindus have no share in the administration; everything is in the hands of Mahomedan foreigners. In the other so-called Mahomedan States, the Hindus form 85 per cent. of the population. The Maharatta dynasties have nothing in common with the people they govern. Their race is different, and their language is not understood. The population of the three Maharatta States (Gwalior, Indore, and Baroda) is about 6,250,000; but, except the rulers and their followers, there are no Maharattas. It is not surprising that there should be mal-administration, over-taxation and gross oppression of the people, seeing that (as Sir John Strachey points out), the only sanction for good administration, namely, the fear of summary annexation, has



passed away. The author speaks of the "insufferable badness" of the administration in Cashmere, and the disgraceful misrule and oppression in that State had arrived at such a pitch, that the Government were recently compelled to take some action, which to many right-thinking persons was too tardy and inadequate. And yet there are to be found persons in England, who pretend to think that the Government of India has oppressed an innocent ruler, adored by his people. These persons are apparently so lost to all sense of sympathy with the masses that they would again ruthlessly consign them to the misery from which the Government of India has made an attempt to rescue them.

The author evinces a righteous indignation when he describes the atrocities in Oudh prior to the annexation. "I find," he says, "only one defect in Lord Dalhousie's most wise and righteous action; he was too merciful to the miserable king and to the demons who had been destroying one of the most populous and fertile countries of India." Similar accounts are given of Baroda, Gwalior, Indore, Bhopal, and Cashmere. As regards Gwalior and Indore, an instructive extract is given from a report of Sir Lepel Griffin, submitted in 1885. In this it is stated that the collection of revenue is made over to rack-renting agents; that the principal officials and nobles sometimes abet dacoity and robbery and share the proceeds; that action is taken against individuals unjustly and in defiance of the commonest principles of justice and equity. "The ruler considers the soil of the State as his own; the people are his slaves; the entire revenue is his private pocket-money, to hoard, lavish or waste, without any right of remonstrance or complaint on the part of his subjects. The disease of such Governments is chronic and intolerable. It is impossible that they can be other than evil, and it is a false and foolish policy to use towards them the language of false compliment, and to pretend that they are other than irretrievably bad, until a higher civilisation and the example of the British Government shall have demonstrated that the rights of princes have no existence apart from the rights of the people."

There are persons who, ignoring the facts, have the hardihood to assert that the Native States are better ruled, and that the people are happier than in British districts; and yet these same persons decry personal rule in British districts and advocate the separation of executive and judicial functions. It would be an insult to the intelligence and knowledge of such persons to suppose that they really believe what they assert. If they do believe it, they are almost as suitable inmates for a lunatic asylum as a man who believes that the moon is made of green cheese. If they do not

believe what they say, but merely make the assertion from political motives and enmity to British rule, they are dishonest and disloyal.

The concluding lecture in the book deals with the Province of Bengal Proper, and in this chapter the author has indulged in some sweeping condemnation of the Bengalees. The reason he singles out the Province of Bengal is to correct the erroneous impression which Englishmen frequently entertain, that "Bengal and Bengalis are types of India and its people, the truth being that there is no Province which is in all respects so exceptional, and no people so curiously distinct."

The author has laboured under the disadvantage of not having served in Bengal, and this fact has led him into a few mistakes, or at any rate, over-statements. Of the general characteristics of the people and the country, he says:—

"Almost the whole population is rural. There are scarcely any manufactures, except of common cloth and other articles which can be made by the ordinary village artisans. Bengal has never, within historical times, been distinguished, as other Indian countries have been, for excellence in art. The native portion of Calcutta, although full of wealth, can hardly be surpassed in mean ugliness; people who are comparatively rich are often content to live in hovels; and among the zamindars and rajas of Bengal, with incomes which even in England would be thought immense, there is hardly one who lives in a house which, in its architecture and decoration, is not detestable. In this respect the modern native city of Bombay is a striking contrast to that of Calcutta."

This condemnation cannot be called unjust, but there are unmistakable signs that the standard of comfort is rising, though very slowly. The Bengalees have not had in the past much opportunity for developing any latent taste for manufacture. Former rulers have preferred to dwell in the Panjab and North-West Provinces, where the air is dry and food more easily digested, and hence that part of the country has been highly developed from the point of view of material advancement. Many sudder stations in Bengal are not towns at all in the proper sense of the word; they are merely groups of rural villages. In some even decent eatables are hardly procurable, much less articles of delicacy, comfort, or luxury. There has not been that foreign demand in Bengal which has proved so great an incentive in other parts of India. Moreover, it seems to us that the Bengali requires an exceptional amount of spur and stimulus, owing to the deadly unhealthiness of the climate, which induces apathy and lassitude. Heat, moisture, damp, vapours, jungle, snakes, flies, insects, mosquitoes—one is compelled to believe that the race must have committed some awful sins in a previous existence to be continually punished with such scourges. The malaria in parts of Bengal is terrible, no one escaping it. If a



European does not get the fever itself, he is affected in other ways by dysentery, rheumatism, and what not, all the result of malarial poisoning. Can a race, living in so pestilential a climate, make any rapid progress towards moral or material greatness? History affords us no such example. Even with imperfect registration, the recorded death-rate from fever only often reaches 25 per thousand per annum, and the true rate is doubtless 35 or 40, the total mortality being over 50. Battles hardly show such a list of slain. The climate of Bengal must be radically improved by sanitary engineering, or at least by ordinary sanitation on a large scale, before its people can acquire that *mens sana in corpore sano*, that physical and mental vigour, which is as much a *sine quâ non* for the advancement of a nation as it is for that of an individual. That educated Bengalees appreciate a good climate is evident from the fact that many now go and live in Calcutta to get the benefit of the improved sanitation. Those who live in other parts of India, may smile at this statement: but it is the sober truth. Bad as Calcutta may be, it is healthy in comparison with most of the sudder stations in Bengal, as any Bengali gentleman will admit.

Our readers may be assured that in the above remarks is to be found at least a partial solution of the extremely slow progress of the people of Bengal towards material advancement. We have daily seen the effects of this terrible malaria; the specimens that come to the dispensaries for treatment cannot be said to live, in the sense that people live in a European climate. They drag out a wretched existence. Children of five years of age may be seen with enormous spleens, sad, dejected, and aged before their time. The blood in old cases becomes so poisoned that sores break out all over the body. The upper classes who feed better, and get medical advice, are not so terribly punished; but even they are attacked to such an extent as often to make their daily work a burden to them. In Bengal the cart has been put before the horse. Sanitation should have preceded education, and had this been so, the education would have had a hundred-fold more fruitful results.

But, considering the inherent obstacles indicated above, Bengal is perhaps making as fair progress in manufactures as can be expected. Some excellent pottery is made in Khulna; the model figures of Kishnagur show considerable skill; glass lamps and tumblers are being manufactured in Backergunj; the gold and silver filagree work of Cuttack, (rather an art than an industry), rivals the Maltese work; the best specimens of Bala-sore brass work might be mistaken for Benares work; some fair knives and scissors are manufactured at Kanchannugger near Burdwan; the manufacture of country cloth is in several places recovering from the depressed state into which it had fallen, the

recovery being attributed to the flimsy nature of the European piece-goods ; and good paper is made at the Bally Paper Mills. The chief manufactures, however, owe their development to European enterprise—tea, coffee, silk, indigo, cinchona, jute, &c. The manufacture of molasses has received an impetus from the sugar-cane mills of Messrs. Thomson and Mylne, and Renwick & Co. ; while slate, copper, coal and iron are being worked by Europeans.

Our author damns with very faint praise the results of English education on the morality of the people. "For a Bengali," he remarks, "it is something to talk in grandiloquent English about patriotism and manliness and courage. Even the academic admiration of such things is perhaps a mark of progress." Again : "We may think of troopers from the Panjab riding with Englishmen in a Balaclava charge, of Sikhs and Gurkhas fighting as French and Germans fought at Gravelotte, but is it possible by the wildest stretch of the imagination to suppose such things of Bengalis ? But for the presence of our power, Bengal would inevitably and immediately become the prey of the hardier races of other Indian countries." But the Bengalees themselves can hardly be blamed for this : it is their enfeebling and enervating climate, which is the root of all the evil. Macaulay, in his essay on Lord Clive, writes : "The Castilians have a proverb that in Valencia the earth is water and the men women ; and this description is at least equally applicable to the vast plain of the Lower Ganges." It is the pestilential climate which prevents education producing the same ideas and feelings which it produces in good climates. The head, made dull by a heavy muggy atmosphere, cannot clearly perceive the vast difference between insolence and a gentlemanly independent bearing ; while the mind, injured by repeated attacks of fever, develops all sorts of mistaken notions, as, for instance, that it is not a very reprehensible act to bring a false charge. But we do not blame the race ; rather the rulers should be blamed for not enforcing sanitation, and so improving the climate. The necessity for doing it will be universally admitted directly it is done. Fifty years ago compulsory education would have been thought intolerable oppression. Now Bengalees would welcome such a measure—at least for all but the lower classes. But they shrink from sanitation, although it is even more necessary than education for their healthy mental development. The greatest benefactor of the Bengalees will undoubtedly be the man who, undeterred by clamour, will not shrink from enacting such sanitary legislation, as will remove or minimize the causes of malaria, and so save the people from the plague which now saps their energies, poisons their very vitals, and makes life naught but a "living death."



The author deplotes the loss of £5,000,000 a year which has been thrown away by making permanent the settlement of the land revenue. With exceptions so rare as to deserve no consideration, the zemindars take no part in the improvement of the lands and, until a very few years ago, they bore virtually no share of the public burdens. The rental left to the zemindars under the Permanent Settlement, after payment of the land revenue, is supposed not to have exceeded £400,000. The gross annual rental is now about £20,000,000, while the land revenue is only £3,800,000. No portion of this increase has been due to the action of the zemindars." When other Indian countries understand that, in consequence of an unwise arrangement entered into in Bengal a century ago, they are compelled to pay every year several millions of taxation which would otherwise have been unnecessary, their demands for justice will be too strong to be disregarded. They do not yet know the truth. In the words of Mr. H. S. Cunningham, "the richest province of India has been, to a large extent, defended, administered, educated, supplied with roads, barracks, hospitals, railways and canals, and relieved in famine,\* at the expense of the rest of the community. Ryots have been toiling in Madras and toiling in the Deccan, in order that gentlemen like the Rajas of Durbhanga and Burdwan may enjoy incomes of several hundred thousand pounds a year, free from the rude contact of the tax collector's hand." It is probable, however, that the incomes of the zemindars may decrease as the ryots become fully aware of the provisions of the Bengal Tenancy Act, unless the decrease be counterbalanced by a general rise in prices. "English education," says Sir John Strachey, "has unfortunately hardly begun to penetrate to the cultivating classes in Bengal, and until lately they have found few champions among their own countrymen. The sympathies and the support of that section of the English-speaking Bengalees which has been able or desirous to make its voice heard, have been for the most part enlisted on the side of the zemindars, and to the detriment of the ryots. The time will come when this will cease to be true—already, I hope, things are better than they were—but hitherto the ryots have had mainly to look to their English rulers for the defence of their interests." In another place the author says: "an unfortunate result of our system of higher education has been the want of sympathy which many of the English-speaking natives, especially in Bengal, show towards the poorer and less instructed classes of their countrymen. The shallow and imperfect education, which is all that they usually obtain, is derived

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\* In 1874 nearly £7,000,000 was expended by the Government from the general revenues of India on the relief of famine in Bengal.

entirely from English sources. They learn enough of English habits of thought to enable them to imitate us, sometimes in things that are good, but sometimes in things that it would have been better to avoid. They learn almost nothing about their own country, and seem frequently to care little for their own people. I need hardly say that there are very many honourable exceptions to be made to general statements of this kind." In regard to great social questions the Government has never received advice or assistance from the "much-talking section" of the Bengalees. "You might search the proceedings of their societies, you might examine the files of their newspapers and the reports of their speeches at their public meetings, and you would not find one word of reprobation of the atrocious practices, which, under the cover of immemorial custom, are followed throughout India, or one word of a desire to help our Government to suppress them."

The vials of Sir John Strachey's wrath and righteous indignation are poured forth in no uncertain manner on the devoted head of the "reptile press." "Their newspapers, published in English, are sometimes, so far as their style is concerned, extremely well written, but with honourable exceptions, they are disloyal, foolish, and sometimes shamefully scurrilous." Speaking of the Indian National Congress, he says: "If you look at their voluminous speeches and proceedings, you will not discern the smallest recognition of the terrible problems of which I have given some illustrations, but you will find no lack of sedition and hatred of the British Government thinly veiled under frequent and fulsome expressions of devotion and loyalty. I am far from believing that the majority of these men are really disloyal. They are, for the most part, well meaning men of small education, but with a good knowledge of our language, who have learnt to pour forth the commonplaces of English politics, and who listen with delight to their own eloquence which they half believe to be inspired by feelings akin to those which they have read about in Burke and Macaulay. They easily obtain a hearing from sentimental philanthropists, and from those Englishmen who see nothing good in any political institutions except those of their own peculiar type, and assume that certain abstract principles are always applicable to the Government of all sorts and conditions of men." . . . "There will always be people ready to accept with composure any political folly, provided that it involves some triumph of sentiment over sense, and some appearance of national humiliation."

In an appendix we are given some account of the now notorious 'conversation' and 'catechism.' Even those who are not unfavourable to the Congress movement, do not venture to defend these publications, but admit that they come within the



pale of the criminal law. Sir John Strachey's opinion of them is as follows :—" One of the leaders of the Congress movement—an Englishmen—has described these foolish productions as 'loyal and kindly alike in spirit and word.' None can know better than their authors that the accusations and insinuations in which they abound are absolutely false ; that the Government of India does not impoverish the country, or spread intemperance among the people, or refuse to consult native opinion in matters connected with the administration ; and that English Magistrates do not strike and ill-use defenceless cultivators. It is impossible to attribute the circulation of such falsehoods to any other motive than a desire to excite hatred of the British Government and its representatives in the minds of the ignorant masses of India, while concealing from people in England the true character of the movement by exaggerated professions of loyalty."

It is certainly a matter for deep regret that the Native Press should not exercise more discrimination in its attacks on European officials ; for if it is proved in one case that an officer has been attacked without cause, all subsequent attacks are naturally regarded with suspicion ; and, if the *mala fides* or malice of the attack be demonstrated in say half a dozen instances, the effect is to create such an attitude of distrust and disbelief on the part of Government and its leading officers, that they are slow to give credence, even where the criticism may perhaps have been deserved or partially deserved. The Native Press would therefore do well in its own interest to test the information it receives before giving it publicity. Of course this advice is only offered to those who desire to do their duty as honest and impartial pressmen ; there are some, unhappily, who are not actuated by such a desire.

A word in conclusion. We believe there are some true native patriots, who would not stoop to demean themselves by ignoble practices, men who really desire the good of their country and the happiness of the people, men who are not possessed by an insensate hatred of everything official or European, men who will work in unison with others (be they European or Indian, official or non-official) who in common with them sincerely desire the advancement of the country and the people in moral and material progress. These men have the power to stem the tide of disloyalty and unreasoning hostility to the rulers of the land ; they can turn into fruitful channels the aspirations of the educated classes ; and we appeal to them to do so. Let the more honourable representatives of the Native Press, by setting an irreproachable example, help to raise the lower grades to their own level. Let it be recognized that the noblest man in the world, be he Christian, Hindu, or Moslem, cannot always

attain perfection. We are none of us infallible, and we can but try to do our duty without fear or favor. Officials, like other persons, must make mistakes, they must sometimes commit errors of judgment ; if they did not, they would not be human. If the Native Press were to attack only the lazy official, the corrupt official, the inefficient official, or the duty-shirking official who truckles for popularity, the administration would be benefited and strengthened. If the Native Press were more uniformly honest, it would have greater power and influence, and would leave more permanent impressions. A single cautious, well-considered, and temperate criticism from an honest editor, who tests his information and verifies his facts, will have more effect, more power for good, more weight with the Government, than a thousand indiscriminate attacks recklessly and often maliciously made on the authority and at the instigation of interested persons. The Press is, or ought to be, as honourable an avocation as any other learned profession. Its honour should be as clear and transparent as the pellucid water of the mountain stream. If it lends itself to the gratification of private spite and malice, and lays itself out to disparage and harass those who will not stoop to purchase its good opinion or at least its neutrality, it then deserves no higher appellation than a sewer journalism, battenning and fattening on the garbage of the gutter.

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## ART. VI.—SOME RELICS OF BEJAPUR.

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### THE MALIK-I-MAIDAN, OR LORD OF THE PLAIN.

THE subject which bears this high-sounding name is a large gun, cast about five centuries ago, and is considered to be one of the largest specimens of cannon known in ancient times. It is found lying amid the ruined ramparts of the ancient city of Bejapur in the Southern Maharatta country of Western India. It is perhaps one of the most remarkable specimens of ancient cannon to be found, not only in that ruined city, but in our Eastern Empire. It is a 42-ton gun, cast—not welded—as was usual in those days. When struck it sounds like a bell. Outside its color is dark green, while the atmospheric influences of five centuries have not been able to wear away the polished glass-like surface, in which the visitor views his face as in a mirror. As a weapon of offence its unwieldiness makes it almost useless, but as a specimen of founding it remains unrivalled. The muzzle is wrought into the eyes and nose and open mouth of a monster devouring an elephant, whose hinder parts are disappearing down the throat. The original inscription states it was cast at Ahmednagar, 1549, by Mahomed Kimri, a Turkish Officer. "There is no God but Allah,—and none can bind him," Abulghazi, Nizam, Shah, servant of the race of the Apostle—and of the house of God, 956, A. H.

In the vent is the name of the maker: "Made by Muhammed-bin-Hassan Karim." In 1686 Arungazeb added an inscription—"Shah Alamgia Ghazi. The Asylum of Religion, who granted the claims of the just, took possession of our kingly country and conquered Bejapur. From the date of the conquest good fortune came. He subdued the Master of the field in the year of our exalted reign, 1077 of Hijri." From other historical manuscripts we learn it was brought with infinite labor by 10 elephants, 1,400 oxen and an incredible number of men to Bejapur in 1634. It was mounted on a revolving pivot on a grooved platform, but it has now been dismounted, and rests on a heap of stones. Its value as a piece of ordnance is questionable; for though the ball must have been very large, owing to the expanded shape of the bore, the range cannot be great. It is stated that, during the siege, a ball from it struck a column of a

tomb, and broke it at a distance of 1,000 yards, but probably it was capable of greater execution. Several pieces of granite shot lie near the gun. In 1829 the gun was loaded with 80lbs. of powder and fired. It will, however, take an iron shot weighing 2,774lbs. or a stone of 1,100 lbs. If these were explosive shells, the damage might be considerable in a populous neighbourhood.

In the seventeenth century the story was current that, when the gun was cast, Ramu Khan slew his own son, and baptized the gun with the blood of his child; the object of this bloody deed was to drive out the evil spirit from the gun. A similar cruel act was done in olden days at the launch of a ship, and our own custom of breaking a bottle of wine over a ship's bows in launching a ship, may have its origin in the same idea. For many years the Hindus of the locality have turned the gun into an object of veneration and worship, and offerings of oil and flowers are often made to it. It has been several times proposed to carry this massive piece of artillery to England, but the difficulty of carrying it to the coast was considered too great. In 1852 a proposal was made to grant £3,000 to carry the gun to the coast, but luckily it was negatived, and is not likely to be carried out in these days of an exhausted exchequer. The Malik still remains one of the most interesting objects of Bejapur.

On some of the other bastions of the city are found other guns of less calibre, but probably of larger range. These weapons of offence and defence now lie silent and dumb amid the vast ruins around them. They have spoken many a time with effect during the many sieges and scenes of bloodshed of which this town was the scene three or four centuries back when Bejapur was in its glory. But they are silent now, and the native children play around these harmless monsters, which were once the terror and defence of the greatest city in Western India.

The *Ibrahim Roza*, or garden, is situated about half a mile south east of Bejapur. In an enclosed garden are situated the most gorgeous and, even to this day, perfect of royal buildings. They are the mausoleum of Ibrahim Adil Shah II and his family, the mosque attached to it, and the terrace in which both are built. Ibrahim reigned 47 years peacefully, which left him liberty to pursue what was the hereditary taste of his family in architecture, and to have a building erected which has no rival in the Deccan or even in India.

The Roza was begun as a tomb for his favourite daughter, *Zoalal Sooltana*, who died at 15 years of age, and for his wife, *Taj Sooltana*, and for Ibrahim himself. All lie buried in the dark recesses of the tomb. The date of the building



is about 1626, and it took 86 years to complete. By an inscription on the doorway to the following effect, we learn :—"Malik Sandal after great exertion, and the expenditure of one lac and a half, or 900 houris, caused this tomb to be completed to the memory of Taj Sooltana, at whose purity Paradise was astonished." The value of the money spent in this tomb is calculated at £528,150 sterling, but the sum is of greater value if the money of the period be considered. Probably over £1,000,000 would be nearer the mark. Another inscription tells us that 6,533 workmen were employed 36 years eleven months and eleven days in completing the work. There is no traditional tragedy connected with this great building; it may be that the reign of peace and the comparative purity of the lives of those buried there, gave no cause for such scenes as are more or less connected with every notable building in Bejapur.

The Roza still stands perfect as on the day it was built, surrounded indeed by a great howling wilderness of sand, but itself a garden of roses. Silent and lonely, seldom visited, save by the passing stranger, this mighty work of architecture, perhaps the greatest, if not the finest ever raised by Moghul hands, seems indeed to be one of the wonders of the past, and an amazement even in its decay. How much was thought of it by its builders, is gathered from an inscription, which with boastful pride tells us :—

"Heaven stood astonished at the height of the building. When its head arose from the earth, another heaven seemed to be raised. The Garden of Paradise has borrowed its beauty from this garden, and every column in this building is graceful as the cypress tree in the garden of purity. An angel from heaven told the date of the building in words. The heart-gladdening building is the memorial of the Taj Sooltana." The value of this number is H 1,036, *i.e.*, A.D. 1226.

This mighty fane was raised to the memory of a young daughter by a loving father. With the exception of the Taj at Agra, by another Moghul leader, which equals this in richness but not in size, raised as it is to the memory of a wife, the world does not contain so noble a monument to endearing love as the Roza built by Ibrahim Adil Shah, II, to the memory of his daughter, Zoalal Sooltana.

*Afzulpur, the city of Afzul Khan.*

A few miles outside the ruins of the great city of Bejapur lies the ruined city of Afzulpur, named after the great Mogul chieftain Afzul Khan, 1659. A curious story belongs to this locality, the only truth for which we find in the family burying place. On a platform, along one side of which was once a large

pond, now however silted up and embowered in mango trees, are a row of tombs, all alike, with the exception of one which is a little raised. There are altogether eleven rows of tombs of seven in each row. The story runs that Afzul Khan volunteered to lead the fatal expedition against Shivaji, the Maharatta leader. The astrologers warned him that he would never return. On the strength of this warning he set his house in order, by drowning his 177 wives in the palace pond, burying their bodies in the pond bank, and adorning their graves with rows of neat tombs. The story may be false ; there is no means of tracing or testing the truth. But if we are to believe the traditions of those bloody times, it was quite in accordance with custom. It is also a remarkable witness to the truth of tradition, to find so many tombs of precisely the same age in what were originally the private grounds of the palace of Afzul Khan.

*The Mehtar Mahal.*

This Khan is probably one of the most elaborate and beautiful pieces of art work to be found in Bejapur. It owes its creation to the following story which is taken from local tradition. According to the legend, Ibrahim Adil Shah I. was afflicted with virulent leprosy, and received no relief from his physicians, many of whom, on the failure of their remedies, he had cruelly put to death. He resorted to the consolation of his astrologers, and was told by one of them, that if he was to give a large sum of money to the first person he beheld, as he awoke on a certain morning, it would be expended in charity and ensure his recovery. The person who proposed to receive the royal bounty was the astrologer himself. But the King happening to awake too soon, saw only one of the sweepers attached to the palace, and calling him, wrote him an order on the royal treasury, desiring the man to take it himself. The sweeper controlling his terror took it for an order for his own execution,—for such events were common in those days,—hesitated awhile to deliver it. But fatalism, however, suggested that if his end was come, it was useless to try and avoid his destiny, and so delivered the order. His amazement was great at the unexpected nature of the royal gift. There was no resource but to take it, and he determined to fulfil the astrologer's prediction, and found a mosque which should eclipse all others in Bejapur. Perhaps for neatness in art and architecture this Khan beats all the other buildings in this city of palaces and tombs. It also seems to have suffered less by the hand of spoliators than many of the other places. Being constructed all of stone, and most of it carved and deeply set, it has been spared in its original beauty.



*The Jumma Mosque.*

This noble building is the largest and noblest building in Bejapur and the Deccan. It was founded by Adil Shah I. 1580, as a mosque. The only portion at all ornamented is the centre recess and the stone pillar. It is still perfect and bears the following inscription on a large stone:—"Place no reliance on this life, because it is not steadfast, and in this house of inquietude nothing is at rest for any one. Pleasant is the stage of the world, now sparkling in my eye, and happy is the lot of my life, but it is fleeting." No truer commentary upon these verses could be given than is afforded by the building itself, surrounded as it is by a number of small huts which cluster around it, built of mud, stone and clay, which furnish the contrast everywhere at Bejapur between the greatness of the past and the poverty of its present condition. The old velvet carpets and curtains are still retained, but the golden chains which hung from the dome were taken away by Arungzeb, when the city was captured in 1686, and probably formed part of the prize-money of the army.

The Jumma Mosque was one of the great public buildings of Bejapur, and some of the descendants of the ancient servants who served the Moguls, still remain to sweep and clean the building. The Muhamedan population is, however, extremely limited, and where the prayers of assembled thousands were wont once to be offered, it is questionable if at any time now one hundred Musulmen can gather together at the great festival of their creed.—

*The Story of Bhumba.*

The story of Bhumba, the mistress of Sultan Muhamad, who lies buried in the great Gol Gomuz, and whose body lies next to her lord and master, is perhaps one of the most interesting legends of Bejapur:—

The merry Monarch (like our Henry VIII) was said to be a great admirer of female beauty. Hearing of the famous beauty of Bhumba, a dancing girl at a neighbouring court, he commissioned his principal Minister, Mulik Sondal, to bring the beauty at any cost to his court. Malik Sondal, a wise man, aware that in his absence he ran the risk of being accused of betraying the king, left behind him the proofs of his innocence in written records. On his return with Bhumba, as he had foreseen, he was accused and ordered for immediate execution. He laid his proofs of innocence before the king, who was so struck with the injustice, that he commanded Malik to ask anything he wished and it would be granted him. Malik replied that as he could no longer hope for children, he would like to leave a building which would keep his name from being forgotten. The king agreed to

supply the funds and the Taj was built. It stands close to the Mecca gate, 223 feet square, 52 feet deep, and fronts the roadway with an arch 35 feet span, flanked by two octagonal towers, surmounted with domes, and two wings facing east and west forming a spacious rest-house. A gallery runs round the wall with large rooms still used by travellers. The aqueducts and fountains in every part of Bejapur, most of them now broken down, are amongst the most wonderful pieces of engineering work to be found anywhere.

*The Gol Gomuz.*

Muhammed Adil Shah was the son and successor of Ibrahim Adil Shah II., 1660. His tomb, a mausoleum in the fort which towers above all the buildings in the fort and suburbs, and fills the eye from every point of view, is seen by the traveller in nearly every direction as Bejapur is approached. This mausoleum denotes the highest point of architecture, for without an extraordinary knowledge and familiarity with not only the theorems but its practice, it is impossible that this great building could have been planned, much less constructed. The building is founded on a rock, and is a vast gloomy crypt, in the chamber of which sleep, beneath plain earthen mounds, the Sooltan Muhammed, his wife and son, daughter and mother, and also his favourite mistress, Bhumba, a dancing girl, who, it is said, refused to the last the royal honour of marriage with the monarch. There is nothing but the bare dusty earth in this crypt, and a few withered garlands lying on the graves, to tell their own tale.

The following is a comparison of the Gol Gomuz, which means, "the round dome," with other buildings of a similar kind :—

			Diameter.	Height.
Gol Gomuz	...	...	135 feet	175 feet
S. Peter's	...	...	137 "	333 "
S. Maria, Florence	...	...	137 "	275 "
S. Paul's	...	...	108 "	220 "
S. Sophia	...	...	107 "	182 "
Taj Mahal, Agra	...	...	58 "	80 "

Above the chief doorway hangs an iron chain, to which is attached a large stone, which is said to be a meteoric stone brought from Arabia. In 1879 the chain from which it hung was in a dangerous state, and it was taken down. On examination it was found to be a piece of green quartz, much worn by water and rounded. The people believe this stone guards the tomb from lightning. The dome was once struck, strange to say, on the occasion when, owing to some repairs going on, the stone was removed for examination; hence, the people argued, by a special bolt, in fulfilment



of a legend they had on the subject. The stone is said to scarce away ordinary lightning. The whispering gallery is 105 feet above the tomb, and every sound, down to a whisper, can be heard throughout the great building. For purposes of intoning and singing, even the separate notes of a piano resound away into the vast depths of the dome, and with a slight echo, come back clear and true, showing that, in addition to the wonderful architecture, the builders took into reckoning the acoustic properties of the building they erected. The Merry Monarch, as he is called, who lies buried in this lofty building, certainly possesses a resting place which has never been equalled in point of size and stateliness.

*The fall of Bejapur.*

In a political sense, Bejapur ceased to exist after its captivity by the Emperor Arungzeb, 1686. It is never again noted in history. The city was occasionally used for durbars. But silently and mournfully the great capital of the Deccan passed to its decay, which was rapid and sure. The soldiers of the broken up States of Golkonda and Bejapur were left to shift for themselves, and plundered the country far and wide. The Deccan fell into disorder. Sumbhajee, son of Shivajee, devastated the west, was seized while drunk by a Mogul officer and taken to Arungzeb's camp. The Emperor in a humorous fit offered him life, if he would become a Mahomedan. Tell the Emperor, said the fierce Maharatta chief, "that if he will give me his daughter to wife to-night, he may make a Musalman of me in the morning." The actual words cannot be directly recorded; but no insult could be more stinging in its meaning. Sumbhajee was forthwith blinded with a hot iron, his tongue was cut out, and he was beheaded, cursing and defying his tormentors to the last breath.

In 1795 Mozan-ool-Moolk became Viceroy of the Deccan. Bejapur passed out of the hands of the Peshwah's Government, and during the Maharatta occupation was reduced to ruin. The Maharattas took out all the famous screen work, windows and doors, for which the place was noted almost more than any other city in India. The wooden joists were burnt as fuel, and carried away to supply half the country. A spoliation went on from 1795 to 1818. Never was spoliation more complete. According to local belief it was a judgment of God. When the descendants of Sivaji were released by the English in 1818, and were permitted to establish an old claim in the independence of Sattara, still further spoliation went on. It is to be regretted that this was done, as it was the last straw of spoliation. With renewed vigour and deliberate impunity, palaces and private houses were unroofed for the sake of the noble teakwood beams which

spanned them. The whole of the window frames and their exquisite cornered lattice work balustrades were carted away to Sattara and to any other place where the owner could get orders. There are persons still alive in Bejapur who witnessed this wholesale devastation, with a grief which is now outspoken, and accompanied with many a curse, and tell of it in sorrowful tears. "Could that house stand which was built of stolen wood?" was an aged guide's dramatic question, as with angry gaze, though trembling gait, he showed the vast ruins of the city whose pride, like Babylon of old, lay humbled in the dust. It had not stood certainly, for the short lived kingdom of Sattara has passed away, and is itself a ruin. Both Bejapur and Sattara belong now to the Queen of England.

As the first act of the royal ægis which dominates now over all India, Bejapur has been rescued from the ruin which plundering Rajahs in their eager search for gold or their ruthless revenge have caused. The royal memories are once more enshrined. All the edifices of any note have been placed in complete repair. At a cost of £10,000 restoration was carried on. Most of the buildings have been put to some useful purpose, which will ensure their repair and retard decay. The resident engineer has his home in one of the lofty domed marques, which has been completely restored, and fitted up with every possible comfort, without destroying a particle of the old work. The acting engineer has also superintended the restoration of all the other places, and much credit attaches to his skill and care. Amongst local surroundings for the benefit of the English residents, a lawn tennis ground now stands on what was once the hall of audience. Here, under a noble archway, where assembled thousands were wont to hear the despotic orders of Mogul chiefs, the peaceful games of athletic exercise are followed with zest by the few Englishmen who reside in the town. Another magnificent hall is devoted to badminton, and will easily accommodate half a dozen sets of players. The club is situated in another lofty palace in a building, which for size and loftiness is unequalled by any club in Europe or America.

The English residents, with the sanction of the Bishop of the Diocese, who refused to consecrate an ancient mosque for the purpose, have made one of the ancient gateways into a sanctuary for worship. After restoring its ancient colors and repairing the carvings, with the addition of coloured windows, it has become probably one of the most unique places of worship to be found in the world.

A gang of convict prisoners are always employed in repairing and restoring the ruins of the past, and in keeping the numerous places of interest in a condition fit to be



seen, and not left to the hands of plunderers. But the city that once had a population of 2,000,000 subjects, mostly men at arms, has passed away; only 12,000 natives and 16 Europeans reside in the place now, and these mostly dwell in the palaces and tombs of kings. Bejapur can never again attain eminence as a city. Though recently it has a narrow gauge line of railway running past it, which seems to have raised the sleeping lethargy of its people and their surroundings, it seems, however, to be out of the general line of trade and commerce; population is sparse and poor. It is, in fact, one of the famine districts of India, which has probably been the chief means of reducing both the land and the people. One cannot help but feel its vast loneliness and desertion,—a place to be shunned as all great ruins seem to be. A place which is the haunt of wild beasts, the bat and the owl; and one cannot but be reminded of the Psalmist's word on a forsaken land:—"A fruitful land maketh He barren for the wickedness of them that dwell therein."

Near the Tower of the Two Sisters stand two deodar trees of gigantic girth and size. Tradition says this is the scene of the execution of some great leader who fell by treachery; it is probably the execution ground of the once famous city. The green sward, moistened by the blood of thousands, is said never to wither even in the hottest seasons. As one looks around and sees the vast desolation of this giant city of the past, one feels the influence of its traditions as told by the wild natives whose forefathers were amongst those mighty men who ruled India by the sword, despotism and cruelty. No one says Meadows Taylor, (the man who has done most to revive these stories) has succeeded in awakening at Bejapur an interest such as surrounds the Alhambra. Far grander as its memorials are, the accounts of them are listened to with coldness if not with unbelief. Yet, stand by these beautiful ruins with the glory of an Indian sun lighting town and mosque, prison and mansion, town and rampart, some poet will surely gather the fleeting tradition, and breathe into them classic and undying life. Few are so dull as to pass unmoved through these massive and daintily adorned buildings which belong to an age that is gone. Nor will the stranger, on viewing the miles of ruins, great in their decay, withhold a title which time has conferred upon the city—"The Queen of the Deccan."

SEAMEN'S INSTITUTE,  
PRINCE'S DOCK,  
*BOMBAY.*

W. ELLISON.

## ART. VII.—ENGLAND'S COMMERCIAL SUPREMACY.\*

I ASSUME at the outset that it would be superfluous to prove by elaborate evidence that, whether we regard England merely as the United Kingdom or in her greater significance as the British Empire, she stands unrivalled as a Commercial power and occupies a foremost position in the transactions of the world. Her supremacy in this respect is never called in question.

It is, however, only since the middle of the 18th century that British Commercial advancement and ascendancy have become conspicuous. Iron, the precious metal of Great Britain, and now one of her main commodities of export, as well as one of her principal sources of wealth, was of but trifling importance and could scarcely be termed a national industry until 1750 when, through the diminution of forests, coal began to take the place of wood in smelting. In 1740 throughout Great Britain there existed only 59 furnaces whose combined production of iron was 17,350 tons, whilst in 1882 production had increased to 8,500,000 tons. Invention after invention enlarged the means of production, and new applications at once followed—and to the development of this industry alone Britain owes much of her Commercial Supremacy.

A hundred years ago British imports of Cotton were about 4 million pounds weight per annum; in 1887 these had increased to 1,745 million pounds—due in large measure to the introduction of machinery and steam power.

In 1800 Britain's consumption of Wool amounted to 97 million pounds weight; in 1880 it was 338 million pounds.

Fifty years ago Britain's outturn of coal approximated 30 million tons per annum, and it now approximates 200 million tons. In these and other important industries Britain has gauged a measure of progress wholly unexampled in the Commercial history of the world.

Amongst other now-existent evidences of pre-eminence, we find that British vessels constitute  $9\frac{1}{2}$  millions tons out of a total nominal tonnage of 22 millions, the United States coming next in order with  $4\frac{1}{4}$  million tons, or considerably less than half the British tonnage. When we regard the portion of the world's trade which is borne across the seas in British vessels,

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\* The above article is the substance of a Paper read to the St. Andrew's Young Men's Association, Calcutta.



our supremacy is still more marked, for whereas 153 million tons of merchandise per annum are carried by the vessels of all nations, no less than 89 million tons, or 58% are carried under the British flag. We find that in 1888, out of 3,441 vessels which passed through the Suez Canal, no fewer than 2,626 were British, representing a tonnage of 4 millions 600 thousand, or 76% of the canal traffic. As a consumer of iron and steel, which are so intimately associated with manufactures, and with almost every important advance in commerce, there is a margin of 25 millions sterling between Great Britain and any other nation. As a market for Cotton the United Kingdom absorbs 407 million pounds weight more than any other country. Of the world's Shipping,  $\frac{2}{3}$  rds are launched from the ship-building yards of the United Kingdom. If we turn to Mining, we find that England and her Colonies produce minerals to the value of 87 millions sterling per annum, or more than one-third the mineral production of the world. And if we take the volume of trade throughout the world, gauged by the Import and Export Returns of all countries, we find that out of an aggregate of 3,000 millions sterling, England alone contributes 690 millions, or 1,140 millions including India and the Colonies. Thus the British Empire controls nearly 40% of the world's trade.

Commercial Supremacy such as these figures betoken can scarcely have been attained save by special conditions of encouragement or by special influences of national superiority, securing for the British Empire some very distinct advantages as compared with the resources of other nations. Much of our commercial progress is undoubtedly allied with the wars of that stormy and unsettled period from 1790 to 1820. Great was the impulse given to British trade by the manifold requirements and distractions of those revolutionary campaigns, which were largely commercial in their aims and issues, for by them was the current of the world's trade diverted towards Britain. At enormous outlay, estimated at £1,250,000,000 sterling, many powers were kept at war with France, and the wants of armies in materials of food, clothing, and ammunition furnished employment for British industrial labour. It was these wars which threw the greater part of European export trade into Britain's hands. It was the distractions of these wars that strengthened England's position by depriving her of rivals on the sea, and thus between Britain and the Eastern and Western worlds there was developed an extensive interchange of commerce. In this connection I quote the following words as those of an able writer on the subject :—

“ In 1806 Napoleon's famous Continental system was launched against England, and an ear of legislative reprisals ensued between the two countries, in which France suffered most.

"The French Emperor endeavoured to destroy British Commerce by sealing the ports of the entire Continent against English vessels, a measure which was intended to coerce England, but was fraught with ruin to the rest of Europe. His Berlin decree was issued when, in 1806, the French entered the Prussian capital. By it he interdicted all commercial intercourse with Great Britain, declared the British Islands to be in a state of blockade, and seized as prisoners of war all Englishmen found on any part of the Continent, over which he then possessed military jurisdiction.

"England met the Berlin decree by the no less celebrated Orders in Council published in 1807, and lasting until 1814. These reprisals prohibited intercourse with any port occupied by the French; and Napoleon retaliated by the still sterner decrees of Milan which reduced his Continental system to a code. The ports of Europe for several years presented the strange spectacle of not daring to admit English vessels for fear of Napoleon's decrees, and as little daring to let their own vessels leave their moorings for dread of the British Cruisers. The mercantile fleet of France was captured and her navy defeated. With an assertion of power which he could no longer enforce, Napoleon required neutrals to carry a French license to trade. England in reply seized the French Colonies, effectively blockaded France, and declared prizes all neutral vessels carrying French papers. While England ruled the sea, Napoleon's policy was futile and his ordinances were useless. Navigation ceased wherever he could enforce compliance with his will. France, which had been the purveyor of sugar and coffee for European consumption, was compelled to look to other States for her own supply, and at last the enactments of her ruler cut her off from every source; meanwhile the profits of a vast smuggling traffic which had arisen all over Europe, together with the growing trade between England and the United States, enabled English Commerce to endure this trial, in the end with positive gain. Except the English, there were soon no merchantmen in Europe, and England was called upon to act as universal agent and carrier. British fabrics and Colonial produce were so desirable that they were still purveyed, although surreptitiously and at greatly enhanced cost.

"Thus by an unintentional and strange concurrence of events the world's commerce came into the possession of England, after a short effort of the Americans and the neutral nations conjointly to share it. Such an effect was as unsatisfactory to the author of the Continental system as could well be imagined. In 1809 Havannah was made a free port—another source of profit to British enterprize. Other new marts were also sought and secured during the war, which were not relinquished when the old ones were resumed."

More recent campaigns likewise produced an invigorating effect upon the progress of British trade, and have largely increased our commercial intercourse with other countries. Between 1861 and 1880 alone no less a sum than £1,329,000,000 sterling was spent in war.

But apart entirely from such exceptional impulses, there have been other powerful influences which have contributed to the attainment of Britain's Commercial Supremacy. Investigate the subject and you will find that British energy, intelligence, and thoroughness are without a parallel; that British inventive genius and skill, by the discovery and development of steam power and mechanical and scientific appliances, have revolutionized the great industries of the world, particularly those of England herself; you will find that by British enterprize there has been inaugurated, and there is now maintained, an ever-flowing tide of emigration, and that thus new settlements have



sprung into existence in distant parts of the world, and have grown into mighty Colonies, providing the mother country with new markets for her manufactures, and furnishing new sources of supply for her inhabitants; you will find that British aspiration and valour have led to the conquest of new countries and empires, and that under British rule these have advanced in commercial importance to such an extent as to contribute powerfully to the commercial progress and supremacy of the British nation.

Investigate the question as affected by the strength and stimulus imparted to our trade by our national Reserves, which stand in constant need of wise development, and impel us ever onward, and you will find that England has, at call, resources of untold wealth in all parts of the world by which her commercial importance has been and still can be enlarged. Consider our Indian dominions with their enormous agricultural, mineral, and industrial reserves, with their vast areas of cultivated territory yielding year by year rich crops largely in excess of the quantity for which there are means of transport to consuming centres; consider India's reserves of uncultivated but cultivable tracts of the most productive description; consider also her inexhaustible coal supplies of excellent quality—her mines of copper and of iron of the purest kind. Call to mind our Burmese possessions with all their undiscovered or undeveloped wealth of oil and iron and precious stones, with their forest reserves and vast agricultural areas. Consider our Australasian Colonies,—greater in extent than even India—with their embarrassing wealth of gold, and silver, and copper, with their expanding supplies of—wool and grain. Turn to the Dominion of Canada with its immense deposits of coal and iron and its undeveloped agricultural wealth, and to our South African territories, with their rich pastoral products and their great subterranean resources of diamonds, gold, lead, iron, and coal, of which the extent is but beginning to be realized. These and others are but *Reserves* of the British Empire, and if their existence has acted as an impelling force to England's commercial development during the present century, they should be no less surely an encouraging influence to her commercial progress in the future. With such Reserves, almost boundless in extent as they are in wealth, England's commercial supremacy need never wane, and the British Empire will surely have itself alone to blame, should it fail to advance in commercial importance, or suffer its supremacy to be weakened or degraded by foreign policy, by foreign competition, or by any other cause.

But the aspect of the subject upon which I would more particularly dwell is, "*How our Commercial Supremacy is to be maintained.*"

The expansion of British commerce was secured under conditions largely differing from those which now prevail. The effect upon Britain's trade of long continued wars has already been alluded to. An enormous and altogether exceptional stimulus to commerce was but the natural result also of the introduction of the Steam Engine, the Electric Telegraph, the Spinning Jenny, the Power Loom, and the Steam Hammer—discoveries which have revolutionized the industries of the civilized world. By these discoveries and the rapid substitution of steam for manual labour, England acquired advantages over foreign nations which at once placed her commercial importance, and her ability to compete, far in advance of other countries.

The rapid development of our Railway system, the enormous increase of our steamship tonnage, our unrivalled means of production, all co-operated to establish for the English nation a commanding position in various parts of the world, and opened up markets hitherto unreachd. The countries of Europe and America, recognizing the great advantages which Britain derived from her means of inland and ocean transport, and from the monopoly she virtually enjoyed of the Cotton and Iron Industries, also directed their attention to the construction of Railways and to the establishment of Factories and Workshops. But at that time it was to England they had to go for their machinery, their rails, their engines, and skilled workmen, and thus the advance made by Britain upon foreign nations placed her superlatively in the foremost rank amongst commercial powers. Again, there were the vast discoveries of gold in California and Australia which materially and rapidly increased the interchange of trade between England and these countries. Thus, to use the words of the Royal Trade Commissioners:—"Various causes contributed to give us a position far in advance of other countries, which we were well able to hold for many years," but, the Commissioners add, "*those causes could not be expected to operate permanently, and our supremacy is now being assailed on all sides.*" This seems only too true. All civilised nations now have their Railways, their Factories, their Workshops, their skilled workmen, and have provided themselves with the latest and most economical manufacturing appliances. To such an extent has this occurred that Britain, instead of supplying the nations of the world, is now not merely reduced to the position of an earnest competitor, but is also one of the chief commercial constituents of these nations—not apparently because she can afford to be generous in her encouragement of foreign competing industries, but because, by the trading policy which England has chosen to adopt, she fosters the production and importation of



foreign produce and manufactures, and buys extensively in what on the surface may appear to be the cheapest market, regardless of costly and far-reaching consequences to her own home and Colonial trade. A writer on this subject remarks that—

“If cheapness were the only thing to be considered in the Commercial policy of a nation, it would be far more advantageous to import the foreign workman and let him produce in England, rather than import the product of his toil ; for if we imported the workman, England would not only have the wages of that labourer spent in her own country, but would also secure the lessening of taxation caused by the greater area over which the taxation would be spread.”

So long as England had a practical monopoly or a greatly preponderating control of the manufacturing industries of the world, she could well afford to disregard the lines upon which other nations conducted their commercial transactions. But in these days of breathless competition—in these days of sweating systems—in these days of short time movements and of absolute closure of British factories, when it would be well for our Legislators to realize that it is the first duty of a Government to find employment for the people—in these days of great agricultural poverty—in these days of idle capital unable to find remunerative investment at home—in these days of oft-recurring signs of disquietude and distress on the part of the employed and unemployed masses, and of commercial strife amongst the peoples of our own empire,—it seems like a measure of retrogression, it seems as a slur upon our national perception and judgment, it seems an infatuation of mistaken national pride, it almost seems a national crime, for England to adhere to independent and unreciprocated principles of commerce which threaten to lead her on to national calamity. Our foreign competitors have not seen fit to adopt our unprotective policy or even to recognize it as in any way necessary or helpful to their advancing prosperity or welfare. If only the struggle for commercial supremacy were reduced to a basis of fair and honest competition, there can be little doubt but that the British Empire will long remain supreme ; but the prospect of establishing such a basis of trade amongst the nations of the world appears to be gradually growing more distant so far as Britain is concerned, and, as a result, we find that England is being compelled to relinquish her control of several of the principal branches of the world's commerce. Even with all her commercial advantages and reserves, and despite her well established connection throughout the world, our country cannot, in these days, but be affected by the protective policy of other powerful nations, and there must surely be some limit to the imposition of duties on British manufactures beyond which England cannot afford to look on with indifference. “Nations cannot be

independent of each other"—nor need we, as advocates of Universal Free Trade as distinguished from that unreciprocated Free Trade now practised and encouraged by England, be seceders from our principles if we admit that the hiatus between the commercial position of England and that of her competitors is steadily contracting, and that if the supremacy of our empire is to be maintained, and the interests of those of our people most in need of national care are to be protected and advanced, it will be necessary for the British nation to appreciate and utilize the advantages of commercial reciprocity, even though retaliation should be needful.

We have the testimony of the world's first economists in support of retaliative duties when such are necessary for the protection and preservation of a country's trade. In his "Wealth of Nations" Adam Smith has bequeathed to us his opinion thus—

"It will generally be advantageous to lay some burden on foreign for the encouragement of domestic industry, when some tax is imposed at home upon the produce of the latter. In this case it seems reasonable that an equal tax should be imposed upon the like produce of the former. This would not give the monopoly of the home market to domestic industry, nor turn towards a particular employment a greater share of the stock and labour of the country than would naturally go to it. It would only hinder any part of what would naturally go to it from being turned away by the tax into a less natural direction, and would leave the competition between foreign and domestic industry after the tax as nearly as possible on the same footing as before it. It may sometimes be a matter of deliberation how far it is proper to continue the free importation of certain foreign goods when some foreign nation restrains by high duties or prohibitions the importation of some of our manufactures into their country."

And we have similar testimony from John Stuart Mill, who states that—

"A country cannot be expected to renounce the power of taxing foreigners unless foreigners will in return practise towards itself the same forbearance."

"The only mode in which a country can save itself from being a loser by the revenue duties imposed by other countries on its commodities, is to impose corresponding revenue duties on theirs."

It is important, in considering the aspect of the subject before us, that we should glance at the progress made by England and her foreign competitors in order that we may be enabled to draw an intelligent comparison between their relative advancement.

Between the years 1860 and 1880 exports advanced in the

United Kingdom	...	...	77 %
United States	...	...	97 "
Germany	...	...	100 "
Belgium	...	...	174 "
Holland	...	...	195 "
France	...	...	58 "



or, taking imports and exports together, we arrive at the following comparison for a period of 15 years ending with 1884.

United Kingdom	...	...	24 %
France	...	...	39 "
Germany	...	...	56 "
Russia	...	...	14 "
Austria	...	...	65 "
Spain and Portugal	...	...	80 "
Holland	...	...	103 "
Belgium	...	...	81 "
United States	...	...	59 "

Thus, while the average advancement of the United States and Continental protectionist nations was 50 per cent. Great Britain advanced only 24 per cent. If we examine Savings Bank Deposits, which are frequently claimed to be an indication of the progress and condition of trade, we are furnished with the following comparison of the increase per head of population from 1860 to 1882.

United Kingdom	...	...	61 %
France	...	...	312 "
Germany	...	...	370 "
Austria	...	...	142 "
Italy	...	...	100 "
Switzerland	...	...	92 "

so that, whilst England has increased her deposits by 61 per cent., other nations are able to record an average increase of 203 per cent. Again, the consumption of Cotton since 1873 has increased over 80 per cent. in the United States, over 60 per cent. on the Continent, and not quite 9 per cent. in England.

In Germany the production of iron, the trade in almost every article manufactured in Sheffield, and the expansion of her woollen industries—especially as regards her supplies to foreign countries—have been steadily advancing, whereas the corresponding branches of trade in England have, relatively, been stationary or declining. In the glass trade Germany, Belgium, and Austria-Hungary are superseding England, Belgium alone having increased her trade in this commodity to such an extent that she is now nearly a million sterling before us though in 1870 she was £196,000 behind us.

If figures are not conclusive, take the opinion of experts on the condition of British and Continental trade. A member of the United States Tariff Commission who visited Europe for the express purpose of reporting upon the working of English and Continental systems defines the result of his investigations thus:—

“ I found shoddy manufacturers from Batby and Dewsbury established in Prussia,—Lancashire and Scottish Spinners in Rouen—Leicestershire Hosiery manufacturers in Saxony—Yorkshire Wool combing establishments

in Rheims—Dundee jute mills in Dunkerque—all wool stuff manufacturers in Roubaix—English iron and steel mills in Belgium—and English woollen mills in Holland.

“Removing English capital to the Continent has secured a profitable home market, while England was near with widely open ports to serve as a ‘dumping-ground’ to unload surplus goods made by foreign labour superintended by English skill. In this way the English markets are swamped and her labour undersold.”

Mulhall states that “during the last 20 years of this century, the linen industry of Germany has increased 300 per cent.”

“The Nineteenth Century” of June 1883 contains this information—

“During the last 20 years the linen industry of great Britain has decreased 18 per cent.”

And again the same magazine reports that—

“The shares of the leading Flax Mills in Germany are 20 and 22 per cent. above par. The shares of the ten principal Flax Mills in Belfast are 58 per cent. below par.”

Thus if we judge foreign prosperity and the relative merits of British progress during the last 25 years by the criterion of statistical evidence, it would almost conclusively appear as if England’s declension were attributable, in great measure, to the indiscriminative observance of unreciprocated Free Trade principles, and that the relative prosperity of foreign countries is due to the observance on their part of a protective policy. So also would it appear that England’s Commercial Supremacy can only be permanently established through the medium of fair competition and exchanges of trade on a common fiscal basis, whether that basis be one of international Free Trade or international Protection. The inaugurators of England’s Free Trade never anticipated that absence of reciprocity which at present exists. *Their* Free Trade was founded on the assumption and *in the distinct expectation that all other nations would emulate the example of England.* It was clearly their intention that England should merely take the lead in a grand and beneficial measure of reform, but that she should handicap herself, or any one of her important industries, was surely far indeed from their minds. Thus we find that Cobden in 1842 expressed his views as follows :—

“The Americans are a very cautious far-seeing people, and every one who knows them knows that they would never have tolerated their protective tariff if we had met their advances by receiving their agricultural products in exchange for our manufacturing products.”

Now, however, as a matter of fact, after admitting into England for 40 years the agricultural products of America, we find the Americans as strong protectionists as ever.

In 1844 and 1846 Cobden again records his opinion in these words :—

“You have no more right to doubt that the sun will rise in the heavens to-morrow than you have to doubt that in 10 years from the time when England inaugurates the glorious era of Commercial freedom, every civilized country will be free traders to the back bone.” \* \*



"I believe that if you abolish the Corn Laws, and adopt Free Trade in its simplicity, there will not be a tariff in Europe that will not be changed in less than five years to follow your example."

Far from being realized these prognostications seem now unfortunately to be further from fulfilment than they appeared to be in Cobden's time, and after more than 40 years of Free Trade in England, not a single civilized country is a Free Trader.

Again in 1844 Cobden remarked :—

"I speak my unfeigned convictions when I say, that there is no interest in the country that would receive so much benefit from the repeal of the Corn Laws, as the farm tenant interest in England."

The fulfilment of this prediction is, that the owners and tenants of land during the past 40 years have lost more than 150 millions sterling.

I commend these figures and quotations in their relation to the present position of British and foreign trade to the consideration of our legislators. If our country's supremacy is waning, then the time has surely come for all advocates of *universal* Free Trade to acknowledge the weakness of our position, and strive unitedly to bring about that condition of international traffic, that free interchange of commerce, which such men as Cobden and Bright so strongly and so ably advocated, but which, by the action of foreign nations, unchecked and uncontrolled by England as that action now is, has become a mere abortion of the Free Trade scheme of these great men. I refrain from dealing in detail with the merits and demerits of Free Trade or Protection, but express the conviction, that if the British nation continues to disregard the protective action of formidable competitors, and persists in patronizing a system of independent and unreciprocated Free Trade, she cannot fairly expect to maintain her Commercial Supremacy, although she may claim to be invulnerable as a trading power in any fair and honest struggle for commercial pre-eminence.

Actual figures support comparison by percentages, and also shew that in countries where imports have been taxed, exports have not decreased, but have expanded in much greater proportions than the exports of England. They further indicate that our exports to foreign countries have decreased £13 millions sterling since 1870, whilst to our Colonies they have increased £27 millions—thus, had not the colonial trade been in England's hands, her position would have been much worse than in 1870. The above decrease of £13 millions appears to demonstrate that British manufactures are being gradually excluded from protectionist countries. Whatever the effect of protection may be, the fact remains that protectionist nations are advancing much more rapidly than England in almost every branch of trade.

CALCUTTA ;  
5, Lyons Range.

WILLIAM WILSON.

## ART. VIII.—PASSENGER FARES FOR LONG DISTANCE RAILWAY TRAVELLING.

**I**T was stated not very long ago in the Corporation of Bombay, during a discussion upon representing to the Government the advisability of placing lavatory accommodation in the 3rd class carriages of long journey trains, that such accommodation was unnecessary, for the reason that the 3rd class passengers in India do not travel a greater average distance than fifty miles. It is acknowledged that these 3rd class passengers form the bulk of the coaching traffic, the receipts from whom amount to 95 per cent. of the total receipts, and the Traffic Manager of a large Indian Company has made the remark, that so far from 1st and 2nd class passengers being of any benefit to his Company, if they could by such means get rid of their 1st and 2nd class traffic, it would pay his Company to give every 1st and 2nd class passenger five rupees to go elsewhere. The 3rd class traffic pays because the 3rd class passengers are at the principal stations, packed in the carriages as closely almost as eggs in a basket, space and weight carried being economised to their fullest extent, and because many passengers who can afford it do not travel in the higher classes owing to the great disparity in the fares. The working class in India are, next to China, probably the poorest and worst paid in the world. In the chief towns the wage of the unskilled labouring man is 5 annas per day, which, as an anna is now worth exactly one penny, is equivalent to 5*d.* per day. In the country districts the agricultural labourer considers himself well paid at 3 annas per day. The ordinary railway charge for 3rd class passengers is 3 pies, or one farthing per mile, just one-fourth the charge for the parliamentary train as it is called in England. But the lowest wage of a town labourer in England is 18 shillings per week or 36 pence per day, being seven times the wage of his compatriot in the Presidency city, while the lowest wage of an English agricultural labour is 9 shillings per week or 18 pence per day, equal to 6 times that of his fellow-labourer on an Indian farm. It thus follows that, other things being equal, one farthing, or 3 pies per mile is not nearly low enough to attract any considerable amount of coaching receipts in India. That this is so, is understood and acted upon by the Great Indian Peninsula Railway, who throughout the year run a special night train of 3rd class carriages, (which stops at every station) for 4th class



passengers, at the reduced rate of  $2\frac{1}{2}$  pies per mile, which for the average of 50 miles, amounts to  $10\frac{1}{2}$  annas per passenger. It is thus evident, by comparison of the respective wage rates of England and India, that if 3rd class passengers are to be attracted to travel long distances, if the 250 million population of India are to be persuaded to travel at all, the rate per mile charged for long distances must be largely reduced.

The administrations of the various English railways have, for many years, been moving in this direction. The competition between the various lines is so keen that, during the summer and autumn touring season, tourist return tickets are issued from London to Edinburgh and Glasgow, to Rotterdam and Amsterdam, to Bolougne and Paris, and to many other cities at the usual charge for a single journey or less, the passengers being entitled to travel and break their journey by every ordinary train, special daily express trains being also, in many instances, run for them. In addition, frequent excursion special fares are advertised from the provincial towns to London at similar reduced rates, the passengers in many cases being entitled to travel by the ordinary trains. The system of reduced fares in England has been developed by means of competition, hence the reductions are only made for return tickets, to prevent passengers from returning by competing lines. In India this competition, owing to the fewer lines and the enormous extent of country traversed, is necessarily absent, and coaching traffic receipts can only be increased to any extent by the companies taking an enlarged view of their position, and of the special circumstances of the people whom their railways are intended to serve. Though the 3rd class passenger is supposed to be averse to travelling, yet it is remarkable the distances they manage to cover in the endeavour to procure a living for themselves and families. Bombay, it is known, is a city of foreigners. Every native inhabitant has his family village in the districts, at a distance nearer or farther removed. Though the majority probably come from Guzerat and Maharashtra, within 300 miles of Bombay, yet many have to travel much further distances. The merchant and shopkeeper hail from Guzerat, Kathiawar, Kutch and Rajputana, the carpenter from Guzerat and Kutch, the mason from Poona and Kathiawar, the bricklayer from Hyderabad in the Deccan, the office sepoy from the Malabar Coast and Delhi, while the cow and buffalo keeper hails from the Jumna and Ganges districts. All these people have to visit their paternal home once a year if they can afford it, and every larger-sized village, near and remote, contains a temple, a god, a river, or spring of water, which is efficacious to cure all diseases and to bring good luck to the visitor, its reputation, as in the

case of all pilgrimages throughout the world, being in direct proportion to the distance travelled over, and the pain, trouble or money expended in reaching and returning from it. Just the same as every Musalman pilgrim to Mecca feels himself so raised in social estimation as ever after to call himself "Haji" or "pilgrim" as his distinctive title, so every Hindu feels, after a pilgrimage to Nasik, Pandarpur, Allahabad, Benares, or Jaganáth, that a sort of reflected glory of the god has passed over him: he, as a travelled man, has acquired an enhanced reputation among his fellows. It is worthy of remark, as showing the influence that railways speedily exert in making people travel, that since the opening of the Rajputana Railway within the last few years, two new classes of work people have, in large numbers, come to Bombay from Malwar, *viz.*, stone masons and bricklayers.

What is needed is a carefully considered system of reduced fares for long distances, which will encourage the ordinary man in search of health, business, pleasurable relaxation, or salvation from sin, to extend the circle of his travels.

How can this be brought about? It must be acknowledged that the fact that 3rd class passengers travel no further on an average than 50 miles, is very like a confession of failure on the part of the railway administrations to meet the demand. Let us consider the various heads of expenditure that passenger fares are levied to meet.

The passenger receipts have to bear the whole interest on the cost of, and the charge for, the maintenance of the passenger terminal building, and of the working staff employed in this building. Also the cost of passenger engines, carriages, and carriage shops, and of the staff employed in repairing them, and the running charges of the passenger trains, such as coal and stores, the wages of the driver, firemen and guards. All other charges the coaching receipts share with the goods traffic in the following items, in varying proportions, depending partly upon the respective volume of coaching and passenger traffic, but more especially upon the weight and speed of the engines and trains, goods trains in the majority of cases running much heavier train loads with far weightier engines, the disparity being partly counterbalanced by the greater speed at which the coaching traffic is run. These items are interest on cost, maintenance, and staff of district stations, cost, maintenance, and staff of the locomotive shops, of bridges and permanent way, semaphore signalling apparatus and staff, locomotive tanks, telegraphic instruments and permanent plant, such as poles and wires, also the working telegraph staff.

Though the passenger traffic as a whole has to bear its share



of the cost and maintenance of all the above items, yet in respect of the cost of station buildings, and more especially that of the working staff, which last forms the large proportion of the working expenses of a railway, each individual passenger is exempted from any share in the cost of stations and station staff, except those of his two terminal stations.

The train in which he is travelling has to bear, as a whole, its share of the cost of all the items mentioned, but each passenger as an individual is concerned only with the two stations at which he takes his ticket and gives it up on arrival at his destination, and his share of the cost of the signalling staff at each block station.

But as we are advocating a system of reduced fares to encourage long distance travelling, and do not propose any reduction in local fares, it is proper to base the argument upon the additional number of passengers that will be carried, and upon the number of existing passengers who will be carried longer distances. In the first case, the additional passengers will travel in the existing train, the additional accommodation provided for them being one or more carriages according to their number. The cost in this case will be that of the extra coal used in propelling the deadweight of the extra carriage and of the passengers it contains, and the share of the cost and maintenance of the carriage. The proportion of cost of these two items attaching to each additional passenger is so microscopical, so infinitesimal, that we should be justified at putting it at one-twentieth the cost of each existing passenger. In the second case also, the passengers will travel the additional distances in the existing train, but no additional accommodation will be required for them, they will retain their seats for a longer period, and thus help to keep the train full, in the poorer districts of small local traffic, where, under existing circumstances, it runs comparatively empty. The additional cost of carrying passengers the longer distances will be the additional quantity of coal expended in the proportion that the weight of the passengers so carried bears to the weight of the whole train. The weight of passengers is so small, compared with the deadweight of the engine, guards' breaks and carriages which carry them, that we should be within the mark in putting this additional cost of double the distance for each existing passenger at one per cent., one hundredth part of the cost of existing traffic, so small an excess cost as not to be in the limits of practical calculation. Take an extension of the first case and call it a third case. Suppose that the number of the passengers has so increased as to be beyond the power of the engines. This necessitates running extra trains. The cost attachable to the passengers run in each extra train, is the bare cost and maintenance of the rolling stock of the extra

train, and of the driver, firemen, guards, coal, and stores used by each particular train for the time only that it is running. None of the main items of cost and maintenance of stations, permanent way, and telegraphs, are debitable to this additional traffic, as these items of original cost have already been provided for in the existing traffic.

But the second case presented cannot be expanded into a corresponding fourth case, for the reason that the passengers travelling, upon the assumption of longer distances, retain their seats in the train, and therefore are, for the longer distance, carried by the railway without additional cost. The third case has been well understood and acted upon in the Suburban, or, as it is called, the local traffic of the B. B. & C. I. Railways between Bombay and Bandora. The distance between these stations is  $10\frac{1}{2}$  miles. There are, including the terminals, eleven stations. The trains run every 30 minutes, calling at all stations, and do the distance in 40 minutes. Each train is made up to carry 400 passengers in 10 carriages, the guards' compartments are cut down to a *coupé* at the front and rear of the train, which being light is drawn by a tender engine on one frame. Each train has the Westing House break attached, and does the return journey in two hours. There being four trains every two hours, the whole traffic of about 40 trains each way daily is worked by four trains, the cost of the rolling stock is divisible by ten, the double shift of driver, firemen and guards by five, and the permanent-way stations and staff by 40, in order to ascertain the train mileage rate. The Company for this Suburban traffic issue quarterly season tickets to 1st, 2nd and 3rd class passengers at something like one-fourth their charge for a single journey, the system upon which they work the traffic showing that they are well within the mark in doing this.

Take also the instance of the Bombay Tramway Company which formerly charged 3 annas per journey from the Sassoon Dock to the Byculla Station, a distance of  $4\frac{1}{2}$  miles, and 2 annas from Sassoon Dock to the Crawford Markets,  $2\frac{1}{2}$  miles. Some years ago the Company reduced the former charge to 2 annas, thus, according to the usual putting of the argument, carrying its passengers from the Crawford Markets to Byculla, the distance of 2 miles, for nothing. The Company found this far-seeing policy to succeed so well, that, when it extended its line to Parell, a further distance of  $1\frac{1}{2}$  miles, it made no additional charge, and thus carries its Sassoon Dock to Parell passengers the distance of  $3\frac{1}{2}$  miles, out of a total distance of 6 miles, without charge.

The usual rate of charge on Indian railways is 3 pies per mile for 3rd class passengers, 6 pies for 2nd class, and 12 pies, equal to 1 anna or 1 penny, for 1st class. Some Companies



and Government lines charge more, none (excepting those in Madras) less. The disparity between the rates charged is so great as to defeat the purpose intended. The writer is accustomed to travel 1st class in distances up to 200 miles, but in a recent pleasure trip to the North-West, in which he did 3,000 miles in a fortnight, the difference between 1st and 2nd class fares was so great, that it would have been foolish to go to the greater expense, and he found to his surprise, that except when close to large cities, the latter was just as comfortable as the former, and only half the cost, all 2nd class carriages being now provided with sleeping berths and good cushioned seats and backs. In order to overcome this feeling of thriftiness, the 2nd class should not cost more than 50 per cent. more than 3rd class, and first class 50 per cent. more than 2nd class. This is very much the scale of difference on English lines. Most people who can afford it, will pay this difference for the sake of the increased comfort given by superior fittings, more roominess, and the innate satisfaction felt at the deference exhibited to those travelling in the superior class. Railway administrations, like other business people, must be prepared to profit by the failings of human nature. Opinions will, no doubt, greatly differ as to what should be the amount of the reduction made for long distance travelling, nor has the best basis for such reduction ever been decided upon. All will agree that a considerable reduction is fair, and the only way to make Indian lines really useful. A scheme has been seriously proposed in England, based upon the wonderful success achieved by the one rate of the Post Offices and Telegraphs, to charge a shilling, 3rd class fare, for all distances outside a fifteen mile radius of London. The rate proposed may be too low, but there is nothing ridiculous in the proposal itself. The attendant expenses of refreshments, and loss of time on a long railway journey, are so considerable, that no one who has business in Oxford, is likely to travel to York or Aberdeen because he would be carried the additional distance for nothing. With the shilling ticket system, a passenger would not be allowed to break his journey, the stoppages of a tourist or commercial traveller might entail the purchase of twenty tickets or more before Aberdeen was reached.

The system which, to the writer, seems more suitable to the long distances of India is as follows :—For the present, at least, to retain all existing fares up to the distance of 50 miles. Beyond this distance to reduce fares by equal amounts every 10 miles up to a further distance of 500 miles ; so that a traveller, who takes a 3rd class ticket on any one line for a distance of 550 miles or more, shall have to pay 1 pie only per mile instead of 3 pies or more as now. Similarly, that a 2nd class passenger, for that, or a longer distance, shall have to pay  $1\frac{1}{2}$

pies per mile instead of 6 pies or more, and a 1st class passenger  $2\frac{1}{4}$  pies per mile, instead of 12 pies or more.

If a passenger should travel over two or more lines, the total charge should be made according to the separate differential rates applicable in the table for the distance run on each Company's line. For instance, a distance of 1,000 miles run upon three separate lines in the proportion of 200, 300, and 500 miles, each Company would charge at its rate for 200, 300, and 500 miles respectively.

The first of the following table gives the differential rates for the 3rd class, reducing from 3 pies to 1 pie per mile. Where the initial rate is over 3 pies, the table will need recalculation. There are 50 separate fares charged for each 10 miles from 50 to 550 miles; but the few instances given are sufficient to show how the table is constructed. The other two tables show the corresponding rates for 2nd and 1st class.

Initial rate in pies.	Multiplier.	Rate charged in pies per mile, cor- responding with distance.	Distance for cal- culation in miles.	Total distance corresponding with rate charged.
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*3rd Class.*

3	X	'333	1'000	500	550 miles and upwards.
3	X	'346	1'040	490	540 " to 550 miles.
3	X	'466	1'400	400	450 " " 460 "
3	X	'586	1'760	310	360 " " 370 "
3	X	'600	1 800	300	350 " " 360 "
3	X	'733	2 200	200	250 " " 260 "
3	X	'746	2'240	190	240 " " 250 "
3	X	'866	2'600	100	150 " " 160 "
3	X	'986	2'960	10	60 " " 70 "
3	X	1'000	3'000	0	50 " " 60 "

Method of calculation, see multiplier.

$\frac{1'000 - '333}{50} = \frac{0'666}{50} = 0'0133$ , being the difference of multiplier for each 10 miles.

*2nd Class.*

3	X	'500	1'500	500	550 miles and upwards.
3	X	'530	1'590	490	540 " to 550 miles.
3	X	'770	2'310	410	460 " " 470 "
3	X	'800	2'400	400	450 " " 460 "
3	X	1'100	3'300	300	350 " " 360 "
3	X	1'130	3'390	290	340 " " 350 "
3	X	1'370	4'110	210	260 " " 270 "
3	X	1'400	4'200	200	250 " " 260 "
3	X	1'670	5'010	110	160 " " 170 "
3	X	1'700	5'100	100	150 " " 160 "
3	X	1'790	5'370	70	120 " " 130 "
3	X	1'970	5'910	10	60 " " 70 "
3	X	2'000	6 000	0	50 " " 60 "

$\frac{2'000 - '500}{50} = \frac{1'500}{50} = 0'030$ , difference for each 10 miles.



Initial rate in pies.	Multiplier.	Rate charged in pies per mile, cor- responding with distance.	Distance for cal- culation in miles.	Total distance corresponding with rate charged.
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*1st Class.*

3	×	750	2.250	500	550 miles and upwards.
3	×	815	2.445	490	540 " to 550 miles.
3	×	1.400	4.200	400	450 " " 460 "
3	×	1.985	5.955	310	360 " " 370 "
3	×	2.050	6.150	300	350 " " 360 "
3	×	2.700	8.100	200	250 " " 260 "
3	×	2.765	8.295	190	240 " " 250 "
3	×	3.350	10.050	100	150 " " 160 "
3	×	3.545	10.635	70	120 " " 130 "
3	×	3.935	11.805	10	60 " " 70 "
3	×	4.000	12.000	0	50 " " 60 "

$$\frac{4.000 - 750}{50} = \frac{3.250}{50} = 0.65, \text{ difference for each 10 miles.}$$

There is no particular virtue in the final rates and distances above given.

Some may think that the reduction, especially in 3rd class fares, does not go far enough, others that the reduction should be based upon 300 not upon 500 miles. The basis upon which the calculation is made, shows that nothing is simpler than to construct such a differential scale of rates, applicable to the varying initial rates of the different railway administrations in India. It will be seen that the proposed scale will not, to any considerable degree, reduce the receipts on existing traffic. For instance, no one in Bombay thinks of travelling beyond Poona, a distance of 120 miles. The present 2nd class rate to Poona is reduced from Rs. 3-12-0 to Rs. 3-6-0, and 1st class from Rs. 7-8-0 to Rs. 6-10-0.

This remark, however, does not apply to the 1st and 2nd class traffic from Calcutta to Simla and Bombay, and Bombay to Madras and the North-West. The reductions here proposed will cause a certain immediate loss to the Companies concerned, but will result in a largely increased through traffic, many 3rd class passengers will go 2nd class, and 2nd class change to 1st class. So far as the Calcutta to Simla route is concerned, the fares are eventually paid by Government, which is therefore interested in getting the proposed reductions effected.

As to the general question of reduced fares for long distances, the writer's experience is, that the existing system forms an absolute bar to travelling. The writer has often been on business and pleasure to Poona, 120 miles, and on pleasure to Khandala, Matheran and Surat, 80, 60 and 160 miles respectively. He has lived 25 years in Bombay. During this time he

has been once to Madras and once to Agra on business ; he has also been once to Delhi and once on the South Maratha Railway to Goa on pleasure. He has never been to the Himalayas, neither to Simla nor Darjiling. He has never visited Calcutta, nor the Nilgiris, nor Mount Abu.

One reason, perhaps, why railway men have never felt a personal interest in this question, may be because all railway officials are entitled to, or rather are always given, on application, free 1st class passes for themselves, their families, and servants, over every railway in India and England, probably on every line, all over the world, whenever they chose to ask for them. This is a communistic state of things, in which, to a reasonable extent, the general public ought now to be allowed to share. The reason why this concession is granted to a railway brother official is because, as has been already indicated in this article, a few extra passengers daily cost nothing to carry, and because, if the concession were to be abolished, the officials concerned, and their families, would never travel beyond the limits of their respective lines. Railway officials are therefore perfectly right, on strict business considerations, to accord their craft this privilege. The general public do not grudge them this, but are justified in urging that *their* good should not make them insensible to *other's* misfortunes.

The following extract from the *Graphic*, of August 3rd, 1889, shows that these ideas are making way on the continent of Europe :—

“A sweeping reform begins this week on the Hungarian State Lines. The Government propose to carry travellers at almost uniform charges, like letters, dividing the distances into two zones, local and general. The local zones comprise two charges, one from station to station, 6d., 3d. and 2d., according to class, the second including the whole distance and costing 8d., 4½d. and 3d. The general zones vary from 15 miles to beyond 140, and are sub-divided into fourteen zones, the fares for each zone from the first to the twelfth, costing 10d., 8d. and 5d., and for the two last 1s. 8d., 1s. 2d. and 10d. a piece.

*Distances beyond 140 miles cost no more :* for example, the journey from Buda-Pesth to Fiume on the Adriatic can now be made for 13s. 8d. instead of £3 1s. This plan appears excellent for long distances, but it is doubtful if it will answer for short journeys. If it succeeds the private Hungarian lines will be obliged to adopt the system.”

These fares confirm fairly closely the proportions between 1st, 2nd and 3rd class fares that are in this article proposed for adoption in India. On the local traffic zones the 2nd class is 50 per cent more than the 3rd, and the 1st class about double the 2nd. On the country traffic zones, the 2nd class is 40 per



cent. in excess of the 3rd, the 1st class being about the same proportion in excess of the 2nd class. The 3rd class fare is on the average, for the 140 miles,  $\frac{1}{2}d.$  per mile, but it is positively startling to one's sense of propriety to find that a so-called reactionary continental Government has decided to carry passengers upon long journeys for more than one half the distance for nothing. Fiume is about 300 miles from Budapesth, which is in the centre of Hungary. The total fare of 13s. 4d. works out the correct calculation for the 1st class rates, so that the new fares are, for the long distance, given between one-fourth and one-fifth those of the old fares. The 3rd class fare for the whole distance is less than one farthing (3 pies) per mile. One should know the daily wage in Hungary (it must be much more than 5d.), in order to exhibit, by comparison, how much the people of India can afford to pay per mile for their long distance travelling. The rates for the two Hungarian suburban zones also show that the Government only charge for the outer zone one half that for the inner. The reason for the reduction is evidently that already adduced in this article, that a passenger travelling a long distance only uses two stations, and costs no more to the staff in looking after him than a passenger who goes a mile only from station to station. It follows from this argument that contract passes for suburban traffic should not be charged an equal mileage rate according to distance, but at differential rates, a short distance being charged per mile at a considerably higher rate than a 10 or 30 miles distance. In fact an equal mileage rate is no where fair and just,—neither for the administration, the passenger, nor for goods; the terminal charge must be separately expressed, and this can only be done by differential rates according to distance. No reference has here as yet been made to passengers' luggage and parcels, but it is evident that, if the considerations here advanced are on a sound basis, a differential mileage scale of charges for luggage and parcels will have to be issued simultaneously with, and on the same system as, the tables of passenger fares already exhibited. For some years past a system of differential charges for light parcels, provisions, and ice has been in force throughout the Indian lines.

The principle here advocated is thus already in partial use. What is now needed is to extend its operation on a sound business basis.

DAVID GOSTLING, F. R. I. B. A.,

BOMBAY.

*Architect.*

## ART. IX.—LORD LANSDOWNE ON EDUCATION.

THE Viceroy's address at the Punjab University Convocation has brought the whole Educational Question before the public in a manner that no amount of unofficial writing or speaking could possibly have done. He has shewn in no wavering tones his ideas as to what the real aim of education should be. His opinion is, of course, shared by every man of culture whether Native or European in the land, but the principles laid down by him are as foreign to the minds of the bulk of Native students as were Western Educational ideas to those who studied under the Rishis of old, in the jungles and desolate places of the land.

The Viceroy takes up three points which he rightly shews to be the blots on the Educational Idea as it presents itself to the native students mind.

The first is that the native schoolboy, after having worked through school and college, considers that a University degree should follow as a matter of right ; that this is the prevailing idea, no one who has studied the subject can possibly doubt. Apart from the complaints on this head alluded to by Lord Lansdowne, we are all familiar, especially in Bengal, with the constant murmurings against a difficult examination, with the constant appeals for an easier standard : in other words, the ever sounding murmur that the examinations should be levelled down to the standard of the students acquirements. We never hear, as one would at home, of a determined effort to buckle to and work up to the standard which at present seems a severe one. The feeling of glory which in England attaches to a man who was a high Wrangler in so-and-so's year, or took his double first with a pre-eminent scholar, has no existence in the mind of the student who wants a degree and nothing more. Education, like every thing else, must be made easy for the student in this country, else "he won't play." Learning for learning sake is a useless pursuit to the minds of nine-tenths of the students of the present day. They must have a University degree, else they consider their labour is but lost.

The Rishi system had its advantages over this. Under it, men endured hardship and toil for the love of what they learnt. Hence the literature handed down from the days when the terms Middle English, Upper Primary, and Middle vernacular were as yet unknown to men, has a genuine ring



about it which, it is to be feared will never be found in the literature which XIXth century Indian schools and colleges is destined to hand down to posterity. The life of the late Justice Oonocool Chunder Mukerjee is of course a brilliant exception to this criticism.

The next point on which the Viceroy touched is the insane demand for employment in the Public Service claimed by every man who has taken a University degree. Lord Lansdowne might have gone further, for this demand is not confined to those who have taken that degree, but to everyone who has failed, not only to take a degree, but to pass the Entrance Examination. The extent of this craze is something amazing, nor does there seem to be the least likelihood of its stopping. We are now in this position. We are educating at a cost, which is to all intents and purposes nominal, a number of young men every year, and we are turning them out with a rooted idea that the Government which has educated them is bound to provide for them. This has not only resulted in a number of men forsaking the callings which their fathers followed before them and rushing into the race for Government employment, but, so far has the demoralization spread, that men who can well afford to pay for their son's education, seek by every means in their power to accept and to claim gratuitous education for those youths. The great aim in many municipalities is to increase the facilities for English education at the expense of the rate-payers: in other words to provide almost gratuitous education for the sons of the bettermost classes of the community. It is as though in England, gentlemen who could well afford to educate their sons were to agitate for the extension of the Board School system to save the expense of a public school education for their children. It will, of course, be answered, that there are no independent schools in this country corresponding with our English public schools, and this brings me to the point which I wish to bring forward. It may have been necessary, and doubtless was necessary when education was in its infancy, to provide schools and colleges, if for no other reason than to shew the people how to work an educational system utterly foreign to them. That necessity has now passed away. Education has taken root amongst the people. The tree needs no longer the protection of fascines. Higher education should now, as far as aid from either Government or local funds is concerned, be allowed to take its own course. The present demand for education at a nominal cost is unhealthily abnormal; compliance with it is nothing more or less than a system of educational pauperization, of which men, for whom such a system was never intended, unblushingly avail themselves. The trade of the schoolmaster, like every

other trade, should now be free, and be subject to the natural laws of demand and supply. There are enough educated men about the country now who could earn a respectable living as schoolmasters, and quite enough to supply the real demand for *education*, as apart from the unhealthy demand for a chance to enter the race for Government employment. Were education to be left to fight its own battle to-morrow, there would be no diminution whatever in the number of the students who seek learning for learning's sake, and who would pay a proper price for its acquisition. There would, of course, be a great falling off in the number of those who see that they can get educated for nothing, and leave those pursuits in life for which they are best adapted in order to become clerks in Government offices, or get any employment under the magical term "Sirkari Naukari : " I am far from advocating any system which would leave the masses in ignorance. It is the duty of every civilized Government to ensure that every one of its subjects should know how to read and write; my remarks therefore do not apply to primary education. I would even go further and say that, in the absence of the great Universities with which pious founders of old, and the rich men of more modern times have endowed the United Kingdom, we are more or less bound to provide Universities for the conferring of degrees on those who had qualified themselves to receive them. There must be some recognized hall-mark and Government is, in the absence of any other recognized body, bound to support and encourage Universities for the purpose of giving that stamp to those who have worked well and honestly to earn it. I submit, however, with all diffidence, that the time is now ripe for leaving every school between the Patshallah and the University to its own resources. There is certainly not a town in Bengal where, if the Zillah School were closed to-morrow, there would not, before the end of the week, have sprung up one or more educational institutions, the masters of which would be earning a respectable living. The wealthier portion of the community would, it is true, have to pay them, and in fact all those who desired *higher education* would have to obtain it as they obtain every other luxury, by paying for it. If this were done, more local money could be spent on extending primary education, and perhaps the question of sanitation might come within measureable distance of solution. At any rate the crowd of office seekers would be sensibly diminished. The holders of University degrees who had received their education as they do in other countries at their own expense, would be of a very different class to what the present men are. They would be fewer in number it is true, but would be of the stamp of men who now ornament,



the various professions in this country, and many of whom are excellent public servants of the Crown. We should get rid of the masses who, having been provided with a free education, now turn round and demand State employment as a right.

The third point upon which Lord Lonsdowne has given expression to his feeling is, regarding the complaint that is made of the absence of moral teaching in our schools and universities. In fact, our old friend "The moral pocket handkerchief" is again waved before our eyes. If the idea of a "moral text book" had not been seriously mooted, one would have imagined that, the idea of teaching morals by the same method as that by which Geography or History is taught, was put forward as a joke. The promulgation of the ten commandments was not supposed *in itself* to make people good. But the advocate of the moral text book evidently like—

John P. Robinson he  
Says they didn't know everything down in Judee.

I am not aware that a moral text book has as yet seen the light, though it was rumoured that certain pundits in Gya were engaged in compiling such a work. It would have to be one of most artistic simplicity, however, to be better able to teach *those who require a book to teach them morals*, than is the present simple Penal Code with its useful corollaries pointing out the consequences of a neglect of any of its precepts.

The Viceroy has, it is to be hoped, given the death blow to this Picksniffian theory. He says, whether moral training is associated with religious sanctions or with an attempt to teach dogmatic theology, I do not believe that you can here, or elsewhere, teach morality in the same way as you teach science, history or law; and I am sure that those who have been educated at our Universities at home will bear me out when I say, that in a University it is not to lectures in eithics, or to theological education that we look to strengthening the moral fibre of our young men in England. . . . . The qualities of purity, *modesty and respect for authority* (the italics are my own) whether in the family or the State, are qualities which tutors and professors will inculcate in vain unless supported by the great body of public opinion outside; and it is therefore for the leaders of public opinion in India to see, that a high standard of morality is observed, and that the efforts of the Government for the education of its youth are ably seconded by their own efforts in the same direction.

How far the principles laid down in Lord Lonsdowne's advice have hitherto governed those who exercise any influence over the youth of this Province, is shewn by the modest demeanour and the respect for authority shewn by the ordinary Bengali schoolboy. Had his father to

pay reasonably for his education, he would doubtless see that he got value for his money, and that the youth occupied himself in pursuits other than politics and taking part in public meetings.

Hardly had the echo of Lord Lansdowne's words died away, when the recent public meeting in Calcutta illustrated, more than all the writing in the world could do, the pitch to which our schoolboys have reached. I quote from a public newspaper for the benefit of those who would naturally suppose that I was romancing in saying, that a parcel of schoolboys had the power to upset the proceedings of a public meeting in Calcutta presided over by the Lieutenant-Governor of Bengal. Home readers will scarcely credit it, but here it is :—"Babu Surendro Nath Banerjea moved. . . . The amendment was held to be carried on a show of hands, and the Lieutenant-Governor promptly rose and withdrew. It was considered that the vote had been practically carried by the boys attending Babu Surendro Nath Banerjea's school who were present in large numbers." The next day's paper had a long leader discussing the facts of this schoolboy vote. Can anything go further to shew that it is time that our educational policy were entirely overhauled and reconsidered. The incident brings us back to a celebrated dialogue once held in the town of Ipswich :—

"Grummer" said the Magistrate.

"Your Wash-up."

"Is the town quiet now?"

"Pretty well, your Wash-up," replied Grummer.

"Pop'lar feeling has in a measure subsided, consekins o' the boys having dispersed to cricket."

Only schoolboys of the stamp of the heros of the Calcutta meeting do not disperse to cricket. They go to talk callow crudities which they think politics, or as their confrères at Dacca once did, to discuss such questions as "Ought we to obey our parents?" Cricket produces a different kind of schoolboy. This is the product of modern Bengal Education.

EDITOR.

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ART. X.—“CARRY DOWN THE MAN A PRESENT.”

—GEN. XLIII, V. II.

I WAS travelling some years ago in a Bengal district with a native gentleman whose keenness of observation was only equalled by the quaint manner in which he expressed his thoughts. He has since joined the majority, and in another world may “listen for sounds from below,” as he used to express it, “with pleasure and with pride.” We were talking about the diffusion of public opinion amongst the masses in Bengal apropos of certain public meetings that were then going on. We had just passed through a well known dense jungle, and on the outskirts of it stood a prettily situated homestead. It was the *basti* of a tolerably well-to-do peasant who salaamed to us as we passed by. “Do you think, Sir,” said my companion, “that that man knows of, or thinks anything about the Viceroy?” We were then under the rule of that Viceroy whose popularity was supposed to have permeated every cottage in Bengal. “Why Sir,” he continued, \* “the Darogah is his Viceroy.” I then asked him whether he had any personal recollection of the procedure adopted by the Darogah when paying a visit to a village, and he said that he had. I give his account of it as I took it down at the end of the journey :—

“When the Darogah approaches a village, all business is at a standstill. The women all fly to the fields and the jungles, and the men sit trembling just as chickens do when a hawk darkens the sky above the moorghi-khanah. The Darogah halts in a tope or under a tree about a mile from the village, and sends a constable on ahead. Every one asks the constable on what business the Darogah has come, but he remains silent or gives, after being fed, either false or evasive replies. Each one who is conscious of crime, nay, even he who has strayed from the strict path of virtue, thinks that he himself is the luckless one who is the object of the visit. The next question is, ‘At whose house will the great man condescend to put up?’ To secure this honour, dallies of more or less value, according to the means of the senders, are “carried down” to the place where the Darogah is halted. Unless some special reason governs his decision, the Darogah elects to put up with the man who sends the best present. He, however, does not despise the smaller offerings, but takes all. A happy man is he,” continued the narrator, “with whom the Darogah puts up, for he is free

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\* Darogah is the Sub-Inspector of Police.

from fear so long as that Darogah remains at the thannah." These elaborate proceedings may have been gone through, when the Darogah is on some ordinary business, and has no particular case, either true or false, to investigate. The fear of "the man" that induced Jacob to have a present carried down, is as strong in Bengal to-day, as it was in Chaldea when the Patriarchs lived and flourished. Now, I am not claiming to put forward anything new or startling in propounding the idea, that carrying down the man a present is as essential to the opening of any transaction in this country as Jacob thought it to be, when he had reason to think that the Lord of Egypt was not quite pleased with him and his family. For many years back I have been anxious to find out some particulars as to the *man* who receives the present, and the nature of the present that is carried down to the Thannah or Cutcherry, as the case may be. There is not, I imagine, a District Officer in Bengal or in any part of India, who is not aware of the existence of the practice, and except in some flagrant cases, there is no man who can detect it. The reason is not far to seek. The people themselves do not regard this giving of presents as anything wrong; and so ingrained has the habit become, that an ordinary suitor would think there was something uncanny somewhere, did he conduct a case to a successful issue without the distribution of the customary dole. He would have a latent fear that, in his victory, lurks some germ of defeat which would eventually grow for him into a fruit of bitterness. I do not believe that the ordinary suitor has yet been found who has tried to work a case through without having the item *bazi kurcha* (extra expenses) admitted in his Mukhtear's bill and *bazi kurcha* covers a multitude of sins in the way of illegal gratifications. The recipients of these presents would, of course, be the last people in the world to admit the existence of this ancient custom.

One can picture to oneself the look of pained surprise,—a look more of sorrow than of anger—that would come over the face of an old peshkar, were you to hint that anything beyond the monthly 30 rupees ever found its way into *his* pocket. It is, thus, next to impossible to find out any given case of receiving and giving presents. Both the giver and receiver are interested in concealing the transaction, and even if one were fortunate enough to find an entry of the expenditure of money for illegal purposes in a Mukhtear's account, that would not convict the receiver, who would readily put down the entry as having been maliciously made. I have, however, taken some pains to ascertain, from reliable sources, what the nature of these presents is, and how they are distributed. The information I have collected is accurate, and I think an account of the various presents given in the ordinary course of business, before the police and in the



courts, may be interesting. I am also in hopes that it may be useful as indicating the direction in which this curse to the country may be watched if not checked. The information has been collected with much difficulty. Had I tried to get it myself I should have utterly failed. I shall first try to shew the means whereby underpaid sub-Inspectors, Head Constables and Constables, are enabled "to live delicately" on incomes on which no man outside the force could keep up a decent appearance in ranks of life corresponding with those grades in the service.

In any ordinary Police Station there is an investigating and writing establishment. This consists usually of a Sub-Inspector, two Head Constables, and a Writer Constable. The pay of the first named ranges from Rs. 30 to Rs. 80 a month, that of the Head Constables from Rs. 10 to Rs. 25, whilst the Writer Constable receives from Rs. 6 to Rs. 9 a month. At out-posts, there is but one Sub-Inspector or a Head Constable and a literate Constable. The Sub-Inspector's pay at an out-post seldom exceeds Rs. 30. The Head Constables Rs. 25, and the literate Constables Rs. 9. In most cases the pay is of the lowest grade, because, in the district force, there are very few of the higher grades of each class sanctioned. A certain number of Police Stations and out-posts are grouped together under an Inspector. The pay of these officers ranges from Rs. 100 to Rs. 250. Both they and the Sub-Inspectors are required to keep horses, but they are neither allowed horse allowance or travelling allowance. In many instances they use their animals for locomotion, but in most cases, the pony is trotted out when the District Superintendent or the Magistrate comes along: at other times the more effeminate and luxurious dhooly carries those officers about on their rounds of duty; even a Head Constable, with a proper sense of his dignity, will seldom be found walking. As a matter of fact there is hardly a station where illegal gain is not the rule. It is not much to be wondered at, for, as a high authority once expressed it, putting a man into a blue jumper and teaching him a ridiculous form of Salaaming, is not in itself sufficient to convert a rogue into an honest man. It requires something more than that; and that something is unattainable in the Police force as at present constituted, unless at a cost utterly beyond the possibility of consideration.

The Sub-Inspector, or any Police officer who keeps a horse, has not much trouble about the feeding of the animal. He simply turns him out to graze on the village crops. This procedure is simple and saves trouble. The villagers, however, do not like it. In one instance I know of a Police out-post having been opened almost under the eyes of an officer of magisterial

powers. It was near a tank: the first thing that had to be done was to excavate a new tank, for the policemen here in India, as traditionally in London, are admirers of the fair sex: and reputable village women did not care to come and bathe or draw water near the thannah. Next, some 300 bigahs were given up and went out of cultivation; the people who cultivated them went elsewhere, where they had not, it is true, the benefit of police protection, but then they had not the Darogah's pony and cows to feed on their crop. The Darogah's syce, it is to be feared, also grazes on the village.

There are two main heads into which Police gain can be divided: one is obtained by the suppression of crime, the other comes in the course of investigation into offences reported at the Thannah.

The former is the simpler and less troublesome method, and is carried out in this wise. When a petty theft occurred in a village, such, as he who in Ireland is called "the village blayguard" perpetrates in every small place, the Chowkedar and the headman of the village used to have him up and fine him. Half this fine was kept by the headman and half was paid to the Police; Subsequently the punchayet system was brought into vogue and no small strife arose as to the division of this perquisite. It has, I am informed, been settled by the Police still retaining their half, but the punchayets have to be content with their share of the moiety. This often is worth having, especially in cases where a lady "comes a society cropper." Now it must not be supposed that "the presents" in these cases are taken in an unscientific or unbusiness like way by the Sub-Inspector or Head Constable who may chance to be there at the time; far from it: The Police is a disciplined force, and the maxim of Sergeant Bucket "discipline must be maintained" is rigidly adhered to, even in the matter of perquisites. The money, therefore, that is handed over to the Police in the case of the suppression of crime is paid into a general fund at the thannah or out-post and is rateably divided amongst the reporting staff from the Literate Constable at the out-post upwards, until a height is reached where the officer is above taking his share. This latter attitude has seldom been reached by explorers, though instances are on record of its having been attained. Whenever a quarrel takes place at a thannah or out-post, the conclusion may be drawn with almost absolute certainty, that either a woman, or the division of the spoil is at the bottom of the dispute. The person who sits at the receipt of this custom is, at the thannah, the Writer Constable, and, at the out-post, the Literate Constable. These men are termed moonshis by the Police and the people. It is the duty of these officers to write all the registers, and there are two



forms in which entries are made. In the case of cognizable crime, what is termed a first information report is submitted. In non-cognizable cases, or reports of accidents or unnatural deaths, an entry is made in the station diary. The first named entry is, of course, the most important, and for entering it a fee is levied according to the circumstances of the parties, or the nature of the offence, before an entry is made. In the less important cases a fixed fee is paid. This, as far as I have been able to ascertain, is one rupee in Bengal and Orissa, but in Behar—poor Behar, backward in bribery as in all other respects,—the sum of seven and a half annas is taken, at any rate, at one thannah of which I have information. It would be interesting to trace how the half-anna came into the amount, but it must have been handed down from ancient days. Probably with the spread of education, quotations in this thannah may improve. Not an entry is made until this fee is paid, and the complainant is kept waiting until he produces it. This inconvenience is not often undergone, as the complainant is generally brought in by the Chowkidar who instructs him as to the amount with which he is to come prepared. The entry having been made, the next demand is for "kummur kols," or unloosening the belt. That is to say, for the officers taking up the investigation. It is, at this stage, to use a vulgarism, that "the band begins to play." To take as an example a case of dacoity. The complainant, as a rule, comes and tells the Police that his house was broken into and plundered by a gang of dacoits. Being unversed in the ways of the world of the thannah, he usually says, and truthfully says, that he did not recognize any one, and suspected no person in particular. That this statement is generally true is evident from the circumstances under which a dacoity takes place. It is generally on a dark night; the marauders come from a distant village, their faces are disguised, and the average native (if, to quote an English newspaper, I may be pardoned for using the term) is in such an abject state of terror, that he hides himself if possible, or at any rate is in such a state of nervousness, that he is perfectly incapable of thought, much less deliberate recognition of disguised men. A straightforward story however is too ridiculous to find favour with a Sub-Inspector or Head Constable. Money was never made out of the truth, and, the making of money is the purpose for which a Darogah believes himself to have been sent into the world. So the complainant is instructed to charge some person with the crime. This is a golden opportunity for the complainant to at once name a person with whom he is on bad terms. He pleases the Darogah, and gratifies his personal spite by the simple process of naming his enemy, and swearing that he recognized him. Some of these recognitions are very amusing. The general

story is that the dacoit was recognized by his voice. To any one who has listened to the dull monotonous tones in which conversation is carried on between two natives in the mofussil, the possibility of a voice being recognized in the confusion and hurry of a dacoity, is slightly incredible. As well might the thud of a particular native drum be picked out of an orchestra of these instruments. Another favourite mode of identifying the man is that he has, by chance, dropped his *lathi* or stick when running away, and that *lathi* can be easily sworn to as the property of the person on whom the charge is sought to be fastened. However, the complainant swears to the man and goes away happy. He thinks he has fixed up his enemy, and peace and contentment reigns within his breast. He little knows for what he has let himself in. The first information is written up, and a constable in plain clothes at once is started off to open the next scene in the comedy. He goes to the accused people, and tells them what has occurred, and opens negotiations with them. He tells them that if they "carry down the man a present," they will get off, and the tables be turned on the complainant. And now a merry cross rough, so to speak, is set up. The accused, also with the view to see his desire upon his enemy, readily accedes to the terms proposed, or to such modification of them as may eventually be settled, and this being satisfactorily arranged, the complainant is next forced and told that he must pay if he wishes his case to be carried to a successful issue, or rather, if he wishes to avoid a trial and imprisonment for bringing a false charge. Meanwhile, village after village is visited, and respectable people are told that they are suspected of being the receivers of the stolen property, and that if they wish to avoid having their houses searched, and the trouble and disgrace attendant thereon, they too must contribute to the Police provident fund. This they of course do, and the Police score several tricks apart from those they make by the cross rough. Finally, unless the present given by one side greatly preponderates in value over that given by the other, a report is sent up which is after all this corruption, strange to say, true, *viz.*, that the occurrence has occurred, but no clue can be found to the perpetrators. In cases where the inducement is sufficiently strong, the matter is reported true or false as the case may be. It would be tedious to go into the steps taken to secure evidence one way or another, but if such things are done in the green tree, when the mere preliminaries are being settled, it may well be imagined what things will be done in the dry, when the issues are so momentous to the parties concerned. Next to a dacoity, the police dearly love a good rioting case, especially when the riot has arisen out of a dispute between two rival zemindars. The days are gone by



now, almost as effectually as the days of the battle of the four kings against five, spoken of in the book of Genesis, when one zemindar openly arrayed his forces against his neighbour. They manage things differently now, and a dispute between two ryots is made, as it were, the test case of claims of no small magnitude. It is the old story of single combat reversed ; Then the knight went forth to fight his Lord's battle to the death ; Now, after the manner of the people, the churl is sent forth to do or die or go to jail, in the battle of *his* Lord for supremacy. Fat are the pickings in those cases, for the cause of a seemingly half-naked coolie, is but the cover for the real issue involving, it may be, lakhs of rupees. It is not generally known, but it is nevertheless the fact, that, as in England, an ordinary ejectment suit is the means whereby vast interests are decided, as in the case of the Tichborne claimant, so in Bengal a common criminal trespass is, but the keynote to a case that may go as far as the Privy Council. Every disputant is anxious vicariously to secure first blood both literally and metaphorically.

There are other means, and these, too, curious in their way, whereby the toil worn Darogah ekes out his pittance of pay, and is enabled to uphold, with becoming state and dignity, the position of Viceroy, which, as my friend told me, he occupies in the eyes of the peasant of rural Bengal. It will be scarcely believed, but it is true, that the wretched Chowkidar whose pay is some 3 Rs. a month, and as the Irish lady said "all he can make besides," contributes to the fund which tends to make life, even in the most out-of-the-way out-post, tolerable. The Chowkidar is obliged to attend the out-post or thannah once a week, to report what is going on in his villages, and generally to afford information. The trifling sum of one pice is exacted from each man, unless he would be reported as absent, and punished for his breach of duty by fine or dismissal.

All is fish that comes into the Darogah's net, be the take ever so small. A stern upholder is he of the domestic virtues also, for he orders the Chowkidar to report every case in which widows go astray. When the report comes in, down go the Police to the spot, and there the officer lectures the unhappy woman on the evil of her ways, and on the advantage of keeping straight. He throws in, incidentally, the possible chance of it being his painful duty to send the woman in for medical examination, and playfully hints at a procedure unknown to the Codes of Law, whereby it may be necessary to have her bound down by the Magistrate against attempting to do away with the evidences of her indiscretion. In a case where the woman is tolerably well-to-do, or her people are in respectable circumstances, there is much rejoicing at the thannah on the return of the investigating officer

The possibility of being able at last to accomplish the marriage of a daughter, or the purchase of a piece of land comes within measurable distance of fulfilment to some, who were inclined to be despondent until this case of vindicating the precepts of morality turned up. The partner of the lady's indiscretion has also to pay for his temporary lapse from the paths of virtue.

Even the grim King of Terrors, Death himself contributes to the income of any thannah or out-post which he visits in an abnormal way, or even when in the course of nature, he carries off some man "who has served his generation and fallen on sleep." For, whenever a body is found in a canal or river or field, although there is not the slightest suspicion of foul play, and it is quite certain that the man has died from natural causes, the Police reap a rich harvest. This they do by the simple means of telling certain persons that they are suspected of murder, and that it is to their advantage "to carry down (the man) a present." Even in ordinary deaths, when the friends of the deceased have, through carelessness or ignorance of their duties, omitted to report the matter (as they are by law required) at the thannah, they are told that there is a strong suspicion of their having hushed up a murder, and to avoid the consequences they go through the usual form, even though it may involve a visit to the money lender.

Whenever any accidental or unnatural death occurs, or where some wretched being has committed suicide, it is the duty of the Police to go and hold an inquest. This is a duty which these devoted public servants never shirk. It is an easier and less worrying job than a dacoity or a murder, for the procedure adopted is simplicity itself. The duties of the Police are to send in the body for *post mortem*, only in the case of doubt or suspicion attaching to the manner of death. Of this the Police are well aware, but the villagers, as a rule, are not equally conversant with the law. In most cases the Darogah's face is sickled over with the pale cast of thought. He *thinks*, but only *thinks*, just at present that the account of the death is not quite satisfactory. He seriously doubts whether his duty will not compel him to have the body sent in for *post mortem* with probably a report hostile to some body. As apart from the report, this involves the carrying in of a corpse in an advanced stage of decomposition many miles to the nearest station, and the necessity of the relatives of the deceased accompanying the unpleasant burden in the heat, it may be of an April sun, every inducement is offered to remove the doubts which the great man entertains, and thereout the provident fund sucks no small advantage. One grotesque instance of this occurred.



It was, however, before the formation of the new Police. Before, in fact, the magic influence of the blue jumper and the new form of Salaaming had leavened the lump of iniquity of which the old force was supposed to be composed. A prostitute died of snake bite, and all her erring sisters were at once assembled by the Darogah and were told that, unless they paid 20 rupees each, they would be obliged to carry the corpse to the sudder station, a distance of 30 miles. The wretched women were terrified into complying with this demand, and although forced, in many instances, to sell their trinkets, they did so rather than be compelled, as they thought they should be, to carry a corpse, presumably high, a distance of a couple of days journey from their village. Such things are of course impossible now in a force, the pay of the lower grades of which is considerably less than that earned by a cooly after a hard day's work, and for enlistment in which a handsome bonus is often given to the Police office clerks, men who have nothing whatever to do with the outside working of the force.

It is difficult, of course, to suggest a remedy for all this, but there are one or two lines on which an attempt might be made. I give them roughly, and more as a feeler to invite the opinions of others better competent than I am to form an opinion on the matter. The first thing to be done is, I think, to abolish the low paid Head Constable and to enlist the services of a higher class of men as Inspectors and Sub-Inspectors. A higher class of men will not only require higher pay, but will also have to be given some inducement in the way of promotion. A line which suggested itself as practical I believe to others besides myself, is the enrolment of the higher grades of the Police force in the ranks of the Subordinate Executive Service, through which a Police officer, who kept himself straight, might eventually hope to attain to the rank of a Deputy Magistrate. There would be some inducement then for men above suspicion to enter the service as young men, and by straightforward work to be able to look forward to a position of an honourable grade of service. The Subordinate Executive Service is recruited to some extent from the ranks of ministerial officers and from school masters. I do not see why the superior grades of the Police service should not be included in it. Their power for good or evil is certainly much greater than that exercised by clerks and school teachers, and the inducement to attract honest men, should, to my mind, be as great as they possibly can be made. A number of men (some almost illiterate, though their number is, I admit, decreasing rapidly) are let loose on the country with powers, in the eyes of the peasantry, little short of those of life and death, yet the outside promotion to which they can look forward is to the grade of an Inspector. There have, of course, been instances of

higher grades being attained to from the ranks, but these exceptions prove the rule. On the other hand a deserving clerk or school-master, whose power is as nothing compared with that of the Police, may find himself eventually in charge of a Sub-Division of a District. It would, I suppose, be rank heresy to suggest a reversion to the Chowkidari system, but I think the question is open to discussion as to whether a Chowkidari officered by a better paid class of men, with inducements before them of subsequent promotion, would not have its advantage over the present system. The Chowkidar is at present the hands and eyes of the Police, and the intervention of the ordinary constable between him and the thannah officers seems to me to be of doubtful advantage. A thoroughly reorganized Chowkidari force under the direct control of, and paid by the Magistrate and the District Superintendent, would be cheaper than the present elaborate force, and the money thus saved might well be utilized in the payment of a class of subordinate officers whose prospects and pay would place them above temptation. I shall have a few words to say in another issue regarding the presents that are carried down in the direction of the Cutcherry.

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## THE QUARTER.

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IN deference to a time-honoured custom I am writing the notice of the Quarter for this, the first number brought out under my Editorship. I intend, however, so long as I have charge of the *Review*, to make the Quarter a mere record of the principal events which have taken place, without giving any comment of my own upon them. My reasons for adopting this course are briefly these: When the *Calcutta Review* was started, Railways were unknown and newspapers were few. Mails from England came at long and uncertain intervals, and people, especially those in the Mofussil, were glad of a synopsis of the events that had taken place amongst men in the outer world. This synopsis was the more welcome, when put together by a literary man and in a readable form. Things have changed since those days, and now, every day brings the daily paper with its record of news both in England and India of the day previous to its reception. Every week brings some one or other of the leading London weeklies to every Club, if not to every bungalow in the Mofussil,—certainly to every bungalow into which the *Calcutta Review* would be likely to find its way. With this literary pabulum before him, I doubt whether the most friendly reader would feel the loss of an expression of the Editor's opinion on every conceivable topic both of Home and Foreign news. In every one of their English weeklies, readers have articles on each topic. One specialist does Ireland, another does Foreign Affairs, a third enters into the subjects of which the Home Office takes cognizance, and so on. It is therefore, to my mind, unnecessary that the Editor of this *Review*, whose name appears on the cover, and who has not even the mysterious cloak of anonymity to cover him, should be compelled to write a critique *de omnibus rebus et quibusdam aliis*. I, at any rate confess my inability to do so. On subjects on which men have special opportunities of informing themselves, they are entitled to write and to write with the authority which that special knowledge gives them. I, however, enter a protest against a man being obliged to express an opinion on the World's history for three months, because he happens to be the Editor of a *Review*, especially when that history has been discussed by specialists and read from week to week by the

people whom the reviewer of the quarter is supposed to instruct. It was, as I have said at the outset, all very well when news was scarce and a clear statement of the Quarter's news was a godsend to people who got fragmentary glimpses of what went on in the world. At the present stage of social history, I think I shall be held excused if I content myself with an account of the leading events which have taken place during the Quarter (purely for the purpose of ready reference) without inflicting on the reader a commentary on those events. Of the merits of some of these topics I am absolutely ignorant, and, of those of which I have knowledge, I prefer treating, or getting treated, in the ordinary pages of this *Review*. Acting on the principles above laid down, I will give a brief account of the leading events which have taken place during the quarter.

*In India.*

The most important event has been the passing of the Official Secrets Act. This Act is for the purpose of preventing officials employed under Government from divulging information that may have come to their knowledge in their official capacity. To make the Act workable, the receiver of unauthorised news is punished as well as the thief. The passing of the Act created, as might be expected, a flutter in a certain section of the native press, but all journals which have the decency to be ashamed of advocating the plunder of secret news any more than they would that of any other form of property, have acquiesced in the measure, and welcomed it as a necessary check to an evil which threatened to become a serious hindrance to the work of Government.

The hasty *promise* given by the Government of Bombay to the Mumludars of that Province, who confessed to having been guilty of offering bribes in the Crawford case, necessitated a special Act being passed. This was done, carrying out as far as possible the promise rashly made, without absolutely encouraging others to follow the example of those officials who, by their own showing, were guilty of an offence under the Penal Code. Nothing but the absolute retention and eventual promotion of these men would have satisfied a certain class of the community. The making of our laws, however, is not yet in the hands of that section of the people.

The Viceroy's tour round the frontier was an event which will live in the memory of those amongst whom it was made. His happy expression that his own English title signified that he was the guardian of the Marches, conveyed better than a volume could, the significance of his tour, and will probably,



be handed down in the frontier villages long after Englishmen have forgotten that the tour was ever made.

The Ganjam Famine at last came to an end during the quarter under review, but floods in Moorshedabad and abnormal November rains have seriously injured a very bright prospect of an exceptionally good harvest. Even as it is, there was much to go and come on, and what might have been a crushing calamity in an ordinary or a bad year, has been mitigated by coming in an exceptionally good one. The quarter closes with the visit of Prince Albert Victor of Wales. The visit is more or less a private one, but the unhappy Prince cannot escape the inevitable address. He has shewn in his replies that the good sense and tact which distinguishes the Prince of Wales is not wanting in his son. Another of our petty frontier wars has been forced upon Government again this year, and the Chin-Lushai expedition has started. It is to be hoped that an effectual stop may now be put to the harrass and worry which these frontier savages perpetually cause, and that a wholesome lesson will once and for all time be read to them. Lord Lansdowne's manly and outspoken condemnation of the common but mercenary view taken of the true aims of education, by those who seek after it, is an event which is destined to have its effect on the history of education in India, if not on the history of the educated classes. Minor events in India, such as Municipal squabbles, and Government Resolutions, are they not written in the daily papers. They are not calculated to enter into the composition of the history of the country, and need not be raked up and embalmed in this notice.

#### *At Home.*

The Maybrick case died finally a natural death, and the Dock-yard strike finally came to an end since the last quarter was written. The sad death of father Damien roused a powerful feeling in England on behalf of lepers. The Prince of Wales has taken an active part in the formation of a Leper Hospital; and by so doing has more or less brought the whole question to the notice of the civilized world. An Irish carman remarked touching this: "Begorra! I always thought the Prince was a sportin,' carakther, you see, he is gettin' up an hospital for *leppers* now." His ideas were the same as those of a Sunday school girl in the same country, who, *apropos* of Naaman the Syrian, defined a leper as "a man that leps." The quarter has not been without its great disasters, notably the terrible accident in Glasgow by which many lives were lost. The Manchester Canal is rapidly approaching completion, that, and above all, the Forth Bridge stand out amongst the great engineering works of all time.

The Irish controversy still drags its length along, but the Parnell Commission has at length been closed and judgment will probably soon be given. What effect the judgment will have remains to be seen. The Irish question, however, is one that, though one rose from the dead he would not change the opinions formed in the minds of Home Ruler or Unionist. I am certainly not going to try, whilst alive, and with my own consent, I shall not rise for the purpose of entering into the controversy.

*Abroad.*

The greatest event has been the marvellous revolution in Brazil, that an Emperor in South America could have reigned for a number of years, and then be quietly shunted without any fuss, without any manifesto, and with a little money to set him up in some other business, is in itself astounding. But that all this should have occurred without a drop of blood being shed is simply marvellous. They seem to manage to revolute in Brazil without disturbing the quiet of their neighbours. The Greek marriage was one of the great events of the Quarter. It is said to point to the fulfilment of a prophecy, *viz.*, that when King Constantine and a Queen Sophia reigns at Athens, Turkey will pass again into Christian hands. The collapse of Boulanger has been the great event in France, and the various meetings of Emperors and Kings which have taken place have significance only until a *casus belli* arises. The German Emperor's marked compliments to the British Fleet are supposed to indicate a desire to include England in the Triple Alliance. The King of Portugal died after a long and useful reign. Very few people in India knew him politically, but his death was felt deeply by the large Portugese community in this country. The ruptures in Crete and Armenia have disturbed the quiet of Eastern Europe, and threaten to disturb that of the West by a revival of an atrocity crusade. Silver has risen somewhat at the close of the year. It is to be hoped that the rise will continue.

10th December 1889.

A. C. TUTE.

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## SUMMARY OF ANNUAL REPORTS.

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### *General Report of the Operations of the Survey of India Department during 1887-88.*

THIS bulky and exhaustive record of last year's Survey operations informs us that they were prosecuted by 26 parties and 3 detachments. Good and useful work seems to have been done by all. Public interest will probably be most concerned with those engaged in Beloochistan, in Upper Burma, and in the Himalayan regions. In the first named *terra incognita*, military surveys have been vigourously pushed on, in spite of climate rigours. The old triangulation effected during the Afghan war of 1877-79 was, we are told, done with inferior instruments, and under considerable difficulties, "both atmospheric and political." It was clearly desirable therefor that the ground should again be gone over under more favourable conditions, that the former work should be checked and revised, and new and further necessary work undertaken, in order to secure a more reliable and sound basis for extensions of the survey that may be required in Southern Beloochistan in view of possible eventualities. Accurate knowledge there of the ground on which the game of war may be played, if played at all, and of as much of its neighbourhood is clearly imperative, if only from a strategic point of view. In Beloochistan, the Survey Department defines a good deal of this for us ; and does a good deal more. Its work in this direction, judiciously enough, has not been precisely defined ; but, as the record before us suggests, even should it be confined to the boundaries of Beloochistan only, the area to be covered extends over six degrees of latitude, and six of longitude. The special triangulation of this not insignificant bit of the world's surface has been entrusted to a party under command of Captain Longe, R. E. and Mr. T. E. M. Claudius. It is satisfactory to note that the three native soldiers attached to this party during the previous year for training, completed their course of instruction during the year under review, and were returned to their regiments recommended as having worked most satisfactorily, and become good topographers ; and it is to be hoped that opportunities will be allowed them of keeping up the scientific knowledge they have gained.

Captain Wahab, in command of another Survey party, reports thus of the locale on which it is engaged :—

“ The general elevation is the highest at which operations have yet been carried on in Baluchistan, including, as it does, the highest part of the Brahui mountain system which forms the water parting between the Indus valley and the valleys and plains of Baluchistan proper. It presents the usual physical characteristics of the Baluchistan highlands, *viz.*, long level valleys, cultivated at the few spots where water is obtainable and overlooked by high rugged ranges, generally bare of vegetation, or occasionally dotted with a few straggling junipers on the highest ridges, or the wild pistachio at a lower elevation. The country is sparsely populated, and in the winter the villages are often entirely deserted, the Brahuïs who inhabit them migrating to the warmer climate of the Kachhi, the plain between the hills and the Indus. Supplies are obtainable with the greatest difficulty, and during the season under report, almost everything required by the detached parties had to be purchased at Kalât and sent out sometimes to a distance of 50 miles. Heavy snow fell during January, February and March, and work was carried on with so much difficulty, that the average out-turn per man for those months fell from over 150 square miles to less than 50.”

That extract tells its own story, and is illustrative of the difficulties and hardships met with, to which previous reference have been made.

A map of the cantonment of Quetta, scale 16 inches to one mile, has been completed. Before very long a new one will be called for, probably owing to the rapid growth of this new frontier post.

In Upper Burma geographical and forest surveys have been actively prosecuted, and parties engaged thereon have, as a matter of fact, have had to face and meet quite as much danger and hardship as the actual fighting force. Indeed, the work to be done for the most part consisted of reconnaissance surveys in connection and co-operation with the various military movements undertaken for the pacification of the country. Major Hobday was able to extend triangulation up the valley of the Irrawaddy from Mandalay to Bhamo, at both of which places he took astronomical observations for latitude. He also, previous to the starting of the Mogaung expedition, accompanied the Deputy Commissioner, Major Adamson, from Bhamo through the upper defile of the Irrawaddy to Senbo, where he obtained additional data for basing the work to be done by the surveyors attached to that expedition. Captain Jackson, with two sub-surveyors and two native soldier surveyors of the Quarter Master General's Department accompanied the expedition, which proceeded from Fort Stedman into the Southern Shan States. A portion of the routes traversed by this column had been followed by the party that accompanied the Salween expedition in 1864-65. It is gratifying to find that the surveys then and there executed by the late Mr. F. Fedden of



the Geological Survey Department, having been tested, and are now "fully established."

With reference to the Northern Shan column, accompanied by sub-surveyor Faida Ali, we are told that a noticeable feature of the country marched over is the proximity to the Salween of the main watershed between that river and the Irrawaddy, the latter river being about 180 miles distant, whereas the Salween is only from 10 to 20 miles : a fact possibly of future importance commercially. The area of country independently mapped by sub-surveyor Faida Ali amounted to 3,425 square miles, and his work is pronounced excellent. In survey work, natives of India—when they can be induced to take to such unaccustomed, uncongenial work—usually distinguish themselves. In connection with the Northern Yaw column, a large area to the west of the Irrawaddy was reconnoitred in the Chindwin, Pakkokhu, and Minbu districts. As far as Kan, sub-surveyor Bapu Jadu accompanied the column, and mapped the course of the Myit-tha, and its junction with the Manipur river. He was not permitted to ascend the hills on the west flank of the valley, for fear of collision with the Chins inhabiting them. The survey result of the Mogaung column's operations amounts to 2,348 square miles of topography. A party from it visited the Jade Mines, but no information is given about them. In addition to these reconnaissance surveys, a special survey was undertaken of the Ruby Mine tract on the urgent requisition of the Local Government. Mr Penrose and 3 sub-surveyors were detached from the party in Lower Burma and placed under Major Hobday's superintendence for the purpose. The estimated area of 10 square miles over which these mines were supposed to extend, proved to be very much under the mark, and the survey that was required to be made covers an area of 77 square miles, of which 21 square miles has been executed on a scale of 6 inches, and 56 square miles on the scale of 2 inches to the mile : useful maps have been prepared of this tract. The area of the entire Ruby tract is now determined, and it can be readily reserved and demarcated.

The Hazara expedition was availed of to survey the western slopes of the Black Mountain. The reconnaissance and approximate triangulation of Western Nepal has been extended eastwards from the Kumaun boundary to the Gandak river in Central Nepal. The work of this season, combined with that of previous years, now furnishes data for sketch maps along the whole southern frontier of Nepal. The materials are most scanty where the Gandak and Bāgmati rivers break through the Himalayas into the plains, and most abundant in the neighbourhood of Kumaun on the west and Sikkim on the east,

whence the observers could command a good view of the spurs of the Himalayas.

These operations were conducted by sub-surveyors Rinzin and Ramsaran who show special aptitude for the work. The results obtained are admittedly imperfect, not so much from inaccuracy of those which are given, as from the immense amount of detail necessarily omitted owing to the method by which the geographical information can only be obtained. The greater part of the work has been done by distant sketching from the tower stations of the North-East Longitudinal series of the Great Trigonometrical Survey by means of previously fixed distant peaks, a method which enables the surveyors to fix, with very fair accuracy, the prominent points of ridges and any other features which he can see and identify, but leaves him very much in the dark as to the run of the valleys and intricacies of drainage. Vague and incomplete though they must be from their nature, still they are valuable contributions to our geographical knowledge of districts which, without them, have been an absolute "terra incognita" to us.

Need we say that there is an immense amount of valuable information and suggestion contained within the covers of this Report upon which we have not touched.

Though, as we have said, a bulky volume, it is quite an *edition de luxe*, embellished with maps elucidatory of the text, and two or three admirably clear specimens of heliogravure turned out by the Department's Calcutta Office.

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*Resolution of the Government of Bengal on Local Self-Government in the District Boards in Bengal during the year 1888-89.*

THIS state paper opens with a menace that the reports received from Commissioners of Divisions on the working of District Boards are not prepared in any uniform method, and in several particulars fail to convey the information required by Government, while in other respects they are overladen with details which it was unnecessary to communicate. We are told that—

The total number of the members of District Boards in Bengal in 38 districts is 785. Of this number, 433 were nominated by Government and 352 were elected by the Local Boards under the laws and rules in force. Of the total of members of the District Boards, 205 are Government servants and 580 are non-officials. Of the elected members of District Boards, 29·8 per cent. are zemindars or representatives of the landed interests, 26·4 per cent. are pleaders, 17·7 are Government servants, 2·3 are mukhtears, only 7 are traders, and the remainder are unspecified. The average number of members of each District Board is 20·6. The Magistrate of the district was, in every instance, re-appointed Chairman of the District Board on the expiry of his term of office under section 24 of the Act.



Local Boards exist at the head quarters of sub-divisions. The number of Boards so established is 106. The total number of members is 1,201. The number of members of Local Boards in which the elective system is in force is 919, of whom 543 were nominated by Government and 376 were elected. Of the members of these Local Boards, 133 are Government servants and 776 are non-officials. Of the elected members of Local Boards 51 per cent. are zemindars, 24.4 per cent. are pleaders, 4.2 are Government servants, 3.8 are traders, 3.3 are mukhtears, and the remainder are unspecified. The average number of members of each Local Board is 11.

Naturally, the 24-Pergunnahs was the district in which the fullest attendance was attained; but although Bhaugulpore numbered 40 members. Midnapore 36 and Rungpore and Sarun 30 each, nevertheless it was found impracticable to ensure, at an ordinary Meeting of the Board, an attendance of even half the members. The Commissioners, therefore, of the above Districts, are requested to report whether the members should not be reduced.

His Honor moreover observes that in many districts the number of meetings held during the year was insufficient. This remark is applicable to all the districts of the Presidency Division, except the 24-Pergunnahs: to Howrah, Dacca, Julpigoree, Shahabad, Mozufferpore, Chumparun, Cuttack, and Noakholly. In Dinagepore, on the other hand, where 21 meetings were convened during the year, the number seems to have been excessive, and must have been harassing to some members of the Board who live at a distance from head-quarters.

Para. 10 of the Resolution shall speak for itself:—

The appointment of Union Committees is still in abeyance. The difficulties in the way of their organization, both legislative and administrative, were referred to in last year's report, and no attempt was made during the year under review to overcome them. Steps have, however, lately been taken, which will, it is hoped, result in the adoption of some definite action on the subject. What is contemplated is the establishment of the Union Fund in the hands of a Panchayet or Union Committee, which shall form part of the District Fund, and shall consist exclusively of such sums as are assigned to it by the Local Board, which is the intermediate authority between the District Board and the Union Committee; while, at the same time, the complete subordination of Union Committees to the Local Boards shall be declared, and a power of control defined which is altogether wanting under the existing provisions of the law.

Receipts from pounds we are told, show a net decrease of Rs. 30,327 as compared with the collections of 1887-88; an increase of Rs. 11,762 as compared with the estimate on which Provincial adjustments with District Boards were based; and "it is impossible to say from the accounts submitted, whether the collections of the year were actually less than those of the previous year." On the whole Sir Steuart Bayley is of opinion that the administration of pounds by District Boards is not materially worse than it was under Magisterial supervision. Receipts from ferries "show a small decrease of

Rs. 24,161. But exactly as in the case of pounds, the decrease is more fictitious than real." The item *Grants from Provincial Revenues* records a vault from Rs. 2,01,573 in 1887-88, to Rs. 6,60,349 in 1888-1889. This, again, is "another fluctuation in the accounts between the two years, which is to be attributed to late adjustment."

It is satisfactory however to find a veritable increase under the head of Public Works expenditure from Rs. 32,32,968 to Rs. 34,65,541. Credit is due to the Rungpore District Board, which spent no less than Rs. 82,875 on original works, mostly bridges, including an iron screw pile one, 247 feet long, over the Ghaghat river. The subject of village roads is held to have been insufficiently reported on by the Commissioners, nor are the statistics of the sums expended in all districts available. In the Burdwan district the allotment for village roads was only Rs. 2,000,—and, none of it was spent. Of Hooghly it is reported, that there are so many village roads that it is difficult to keep them up with the funds at the disposal of local Boards. In the Dacca Division the outlay under this head was large; and Mr. Worsley suggests that particular care should be taken that the amounts allotted are properly spent, more especially as the works are not subjected to any professional scrutiny." In Bogra the amount spent was Rs. 412; in Bhaugulpore Rs. 14,074 against an allotment of Rs. 19,040. In Malda only one road, 5½ miles in length, was repaired. From the Orissa Division "no information is furnished."

The District Boards expenditure on public works extends, in several districts, to the maintainance and improvement of water communications as well as roads. This is especially the case in the Dacca Division, and the Lieutenant Governor regrets that the Commissioner's report furnishes little information under this head. The outlay in the four districts of this division amounted to Rs. 1,94,335 on original works, and Rs. 1,00,220 on repairs, and a considerable share of this, especially in Backergunge, may be presumed to have been spent in improving the waterway of the country. It is satisfactory to notice that the attention of the District Board of the 24 Pargunnahs has been drawn to the improvement of the two important *knalls*, one from Joynagore to the Magrahat railway station, and the other from Rajarhat to Sarisha. Much has been done during the year to improve the condition of the first channel, and it is hoped that in a short time these channels may be kept open for traffic throughout the year. From the Chittagong Division it is reported that some projects of canal communication are under the consideration of the District Boards of Tipperah and Noakholly, and it is expected that action will be taken on them during the coming cold season. The Chittagong District Board derives an income of Rs. 11,578 from canal tolls. Most of the canals are farmed, and the expenditure incurred was only Rs. 194. The re-excavation of the Banskhalley canal will, however, be undertaken this year.

The Lieutenant-Governor regrets to notice that, notwithstanding a small increase in the total expenditure, in many districts the number of primary schools has decreased.



About the working of District Boards we find the Commissioner of the Patna Division writing :—

“ The District Boards are generally praised for working harmoniously. Mr. Grierson discusses the question, Whether his Board is representative or an assembly of notables. Mr. Beadon says the lawyers on his Board are extremely obstructive. I think all the criticism just, and some of it useful. Much of it is of the nature of awarding marks for merit as to school boys—for intelligent interest, regular attendance, and so forth. But it seems to me that if the members stayed at home they would do just as much good.

*Report on the External Trade of Bengal with Nepal, Tibet, Sikkim and Bhutan for the year 1888-89.*

THE total value of traffic with these undeveloped, and little cared for markets registered last year, is contrasted with the figures for the two previous years in the following table :—

				Imports into Bengal.		
				1886-87.	1887-88.	1888-89.
				Rs.	Rs.	Rs.
From Nepal	...	..		1,02,77,226	1,12,34,228	93,97,491
„ Tibet and Sikkim	...	...		3,23,102	3,65,262	1,27,804
„ Bhutan	...	...		77,072	1,28,913	1,48,708
Total				...	1,17,28,403	96,74,003

  

				Exports from Bengal.		
				1886-87.	1887-88.	1888-89.
				Rs.	Rs.	Rs.
To Nepal	...	...		52,90,285	73,51,720	74,30,836
„ Tibet and Sikkim	...	...		3,92,295	2,50,834	79,904
„ Bhutan	...	...		1,54,725	1,80,677	1,53,044
Total				...	77,83,231	76,63,784

so that the net result of the wretched little war lately enacted on our north-east frontier has been to spoil a trade which gave promise of advancement and increased value. Traffic with Nepal being not at all, or very slightly, affected by the war in Sikkim, the chief feature of the past year's trade was nevertheless a falling off of 16·35 per cent. and 8·56 per cent. in the imports from Nepal, as compared with the figures of the two previous years respectively, while there was an increase in the exports to that State of 1·07 per cent. and 40·46 per cent. as compared with 1887-88 and 1886-87 respectively. The total value of the trade from and to Nepal was 9·46 per cent. less than in the preceding year, but 8·09 per cent. greater than in 1886-87.

Imports of cattle, raw cotton, and tobacco ; exports of rice, other grain crops, and European piece-goods, show a satisfactory

increase; though imports of grain, rice, and pulse fell off largely:—

Compared with 1887-88 the decrease in the imports of food grains into the Chumparun district was 32.92 per cent., in Mozufferpore 63.94 per cent., in Durbhanga 75.25 per cent., in Bhagulpore 65.97 per cent., in Purneah 25.38 per cent., while Darjeeling showed a slight increase of 15.43 per cent. The Collector of Chumparun makes the following remarks regarding the decrease in the grain traffic:—

“Food grains were not imported on the usual scale in consequence of the short harvest in Nepal. Crops were as bad in Nepal as in our territory, and for sometime the Durbar laid an embargo on export of such articles. When this was removed, a large quantity of Indian corn was taken to the affected tract in this district. It is considered unlikely that any of the food grains imported from Nepal during the year ever left this district again.”

A better trade was done in hides, but not so in sheep and goat skins. The manufactured woollen goods registered at Adapore alone were worth Rs. 92,539, or 78.66 per cent. of the total exports.

Para 29 has significancies which need no interpretation from us. We quote from it:—

The information furnished by the officers of frontier districts regarding the customs duties imposed by the Nepalese Government is obscure and contradictory, and it is evident that until fuller inquiries have been made, our knowledge of this subject must be pronounced incomplete. For the purposes of the present report no attempt can be made to reconcile the apparently discrepant accounts of the Nepalese system which have been received from officers of adjacent districts. It is stated, for example, that there was no change in the rates of duty levied by the Nepalese Government on the frontier of the Purneah and Darjeeling districts. The Collector of Chumparun reports that the rates of duty which are stated to have been charged by the Nepalese authorities on traders entering Nepal during the year 1888-89, appear not to have been levied with regularity and at one uniform rate all the year round, while in many cases duty was not collected at all. It is reported from one source that the duties were discontinued altogether on the Chumparun border during the year, but this the Collector considers not to be quite correct. The Collector of Mozufferpore states that, with the exception of a duty on hides, the Nepalese authorities now levy no duties on imports and exports. The duty on hides is said to be farmed, but what rate is charged is not known. From the report of the Collector of Bhagulpore, it appears that the Nepalese authorities have, since September 1888, stopped the levying of imposts on trade. It is said that they have amalgamated the tax with the rent of holdings of the cultivators at  $1\frac{9}{16}$ th anna per rupee. Before September last they used to charge the duty shown in the previous year's returns. The report from Durbhunga shows that duties continued to be levied as usual with certain insignificant changes.

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*Report on the Administration of Criminal Justice in the Punjab and its Dependencies during the year 1888.*

**I**N Sir James Lyall's opinion, much of the alleged increase of crime in the Punjab of which so much has been heard of late, is due to the rigidity of the present system of recording



crime, and the difficulty of striking off false cases after they have once been brought on the police registers. The figures regarding Kohat are not clear, and a spirit of lawlessness in Rawalpindi, Jhelum, and other less notably turbulent districts, in his judgment "can only be suppressed by firm and sustained action on the part of the District Magistrates."

It is admitted that in some parts of the province "the bulk of the peasantry have no real sympathy with the law as regards certain classes of crime." They understood Jan Larren Saheb's rough and ready methods of repression well enough, and feared and respected them. But under the new rule of the vakeel, they cherish hopes of always being able to evade the letter of the law by some chicane; and then, there are the chances and procrastinations of appeals and re-appeals. It is written:—

From the statement printed at page 15, it appears that the number of offences against property has risen most appreciably in the districts of Delhi, Ludhiána, Gujránwála, Siálkot, Ráwalpindi, Bannu and Hazára; while there has been a considerable diminution in Umballa, Jullundur, Amritsar, Mooltan, Montgomery and Dera Gházi Khan. The worst results are shown in the Ráwalpindi District, which during the year stood pre-eminent in nearly every class of crime, and while offences against property are shown as having increased by over 40 per cent., the proportion of cases brought to trial, which was 43 per cent. in 1886 and 32 per cent. in 1887, fell as low as 23 per cent. in the year under review. No doubt offences were over-reported in this district. At the same time the state of crime was very serious, and is not wholly explainable by the series of bad harvests and consequent poverty of the people.

It is recorded that the Honorary Magistrates decided considerably less cases than in 1887; but the District Magistrates more. The proportion of convictions in the Courts of Naib-Tassildars continues to be very low (27 per cent.) While the number of persons punished, 78,430, is almost the same as in 1887, 79,210, His Honor observes that the number of persons sentenced to rigorous imprisonment shows some falling off, being 17,879 against 19,131 in the previous year; while cases in which solitary confinement was awarded have fallen from 12,463 to 11,287. If the decrease indicated a decline in serious crime it would have been matter for satisfaction, but the fact that it is most noticeable in Lahore, Ferozepore, Rawalpindi and Bannu, which are among the most criminal districts of the Province, suggests the doubt that it may be due to insufficient supervision by controlling Courts.

The Registrar of the Chief Court, Punjab, reports that the sentence of whipping is now seldom awarded, and goes on to say, there can be little doubt that the punishment is suitable to more violent forms of crime, and that its extended use would have a wholesome effect on criminal statistics, in which the Lieutenant-Governor concurs, holding it regrettable that this

speedy and deterrent form of punishment should be allowed to fall into disuse.

One more quotation and we have done. Para No. 14 in Sir James Lyall's Resolution runs thus :—

The amount of fines imposed both in District and Sessions Courts shows a slight decrease as compared with 1887. The amount realized, however, shows an improvement, but the decrease in the proportion awarded as compensation is not satisfactory. The free award of compensation in cases where the loss suffered is undoubted, is not only a necessary part of the redress which injured parties are entitled to, but also acts as an incentive to them to look for redress to the Courts, instead of hushing up the offence, or making a private arrangement with the offender.

*Report on the Excise Administration of the Punjab during  
the year 1888-89.*

THE revenue from Excise for 1888-89 amounted to 5 per cent. in excess of that of the previous year, and that from country spirits in the years 1877-78, 1887-88, and 1888-89 was—

		1877-78.	1887-88.	1888-89
		Rs.	Rs.	Rs.
Still head duty	...	2,54,603	4,04,990	4,47,910
Licenses for sale	...	2,25,518	3,59,724	3,64,026
Total	...	4,80,121	7,64,714	8,11,936

The increased consumption indicated by the figures we have quoted, is largely nominal, and due in great part to the substitution of licit for illicit consumption. For instance, in 1877-78, and for some years later, Deputy Commissioners were so burdened with judicial work, civil and criminal, that few were able to pay attention to Excise management. In some districts illicit distillation prevailed extensively, and in all there is good reason to believe that much liquor was passed out of the Sadr distilleries by the licensed vendors without payment of still-head duty. In the Amritsar district an active policy in the suppression of illicit distillation has resulted in an increase of 17 per cent. in the revenue from still-head duty in the year under report, and in the Lahore district, in which illicit consumption has hitherto been rife, and in which Mr. Walker, the Commissioner of Excise remarks, some improvement has at length taken place,—the income from still-head duty in the year under report is 10 per cent. higher than in the previous year.

The difficulties experienced from smuggling of country spirits from Native States have greatly diminished during recent years, thanks to the co-operation of the Punjab States in the matter. The Lieutenant-Governor is glad to notice the



loyal co-operation of these States in the Excise policy of the Punjab Government, and trusts that no efforts will be spared to maintain the improved arrangements which have been introduced in them in compliance with the requests of His Honor's predecessors.

Some 28 distilleries have come under reduction during the past year, or since its close, and 6 more will soon be abolished. The number of distilleries in the province will then be 42, as compared with 82 in 1883-84. A rule has also been issued requiring Deputy Commissioners of districts to give full opportunities for preferment of objections against the opening of new liquor shops, and to duly consider such objections as may be made.

The import of Malwa opium from Ajmere has again been permitted, as it was found that shutting off this source of supply encouraged smuggling from Rajputana. The gradual withdrawal of Chandu and Madak licenses is a policy which, we are told Sir James Lyall intends to pursue, and he agrees with the Commissioner of Excise that a falling off noticed in the income from hemp drugs is not to be regretted, if it means decrease of consumption; "but it is not clear that this is the case."

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*Report on Police Administration in the Punjab for the year 1888.*

THE Report before us is not cheerful reading. The returns again show a considerable increase of crime—exaggerated although it is by the existing system of record. In the Rawalpindi District violent crimes against the person, and serious offences against property, in Jhelum murders, and in Sialkot offences against property, have risen considerably. Kohat shows a serious increase in violent crimes against person and property. Bannu continues to show worse and worse results from year to year, serious offences having steadily increased under all heads.

In Jhelum there were so many changes of officers that strong control "was almost impossible." The question of strengthening the Bannu Police is under consideration. If things are as bad as they are made out to be in Bannu, the augmentation is properly matter for prompt action rather than consideration. The worst feature in the report is held to be the steady increase in burglaries, which have risen from 20,954 in 1887 to 22,074 in the year under review. The comparative failure of the Police in dealing with such cases is one of the weakest points in the criminal administration, and there are some grounds for thinking that the orders recently issued, directing the attention of Police officers to the discretion allowed under Section 157, Criminal Procedure Code, which enables them to avoid enquiry into certain cases, have been too loosely interpreted in several districts.

Cases of serious mischief, and mischief to animals, are on the increase ; and the Police working in such cases "already poor enough, show a tendency to deteriorate still further." Convictions were obtained in only 12·5 per cent. of the whole of the cases instituted. In communication with the Chief Court measures are now being taken for the representation of Government in criminal cases by Government pleaders. The Lieutenant-Governor is of opinion that the District Magistrates do not sufficiently realize the nature of their own responsibilities with reference to the working of the Police, although by Act V of 1861 it is distinctly placed under their *general direction and control*, and that, under the circumstance, they should insist on being informed and consulted about every measure taken by the District Superintendent of Police, which is likely to affect the criminal administration of his district, so that he may, if he sees fit, exercise the powers the law has given him.

With reference to the general complaint of the inadequate number of the Police it is noticed that the practice—repeatedly prohibited by the Chief Court—of serving processes in non-cognizable cases through the Police instead of through the ordinary process-serving agency, still continues in several districts, of which Umballa, Rohtak, Karnal, Gurdaspur may here be mentioned. This is highly irregular, and is unfair to the Police, whose time can be much better employed on their proper duties.

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*Report on the Land Revenue Administration of the Lower Provinces, for the Official year 1888-89.*

FROM a Report on the Land Revenue Administration of the Lower Provinces for the official year 1888-89, we gather that the collections were less than those of the preceding year by Rs. 6,70,823, and less than those of 1886-87 by Rs. 12,38,555, the result of the Burdwan Raj estate failing to pay up a sum of Rs. 4,31,521 due as revenue till after the close of the year, and to a short outturn of the crops in Chittagong, Pooree, Khoorda, Midnapore, Contai and Tamlook. The total number of Government estates, however, have increased during the year from 3,058 to 3,307, and their rental from Rs. 22,32,370 to Rs. 23,08,688. The increase was both in the estates under direct management from 1,395 to 1,575, and of those under farming leases from 1,663 to 1,732. These figures are not explained, and it is not clear why the total should vary so largely between 1887-88 and 1888-89, whereas it only changed from 3,053 to 3,058 in the previous year.

The 1,575 Government estates under direct management have a rental of Rs. 16,08,956, whereas the 1,732 estates let out on farming leases bring in only Rs. 6,99,723, a difference which



is in no way accounted for. There were 262 private estates under direct management, and the total number of estates so treated "is said to be 1803." In Orissa, in the face of the distress "which although much exaggerated undoubtedly existed, it was not considered desirable to press the Surburakars unduly." The miscellaneous revenue collected amounted to Rs. 1,63,232 as compared with Rs. 1,72,982 in 1887-88, and of this sum Rs. 1,17,585 represent "other receipts," i.e. other than fees and fines under certain Acts, the sale of Government estates, and abatements of revenue.

The results of the working of the Roads and Public Works cess are pronounced not satisfactory. With a larger demand the collections were smaller, and the outstanding balances heavier than in the previous year. The remissions were also greater. The total amount of Land Revenue Road and Public Works and Zemindari Dak cess remitted by postal money-orders, rose from Rs. 2,07,156, sent by 47,248 orders, to Rs. 660,800 covered by 92,402 orders. These figures show that the value of each order rose from Rs. 4-6 to Rs. 7-2.

The Postal Money-Order system of Land Revenue remittance continues to gain in popularity and is undoubtedly a boon to the public. Only in the Cuttack district, where 3,000 cases connected with revenue-free tenures are pending, does any considerable amount of Land Registration work remain to be done. The number of partitions effected during the year was 579, just the same number got through in 1887-88.

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*Report on the Administration of Civil Justice in the Punjab and its dependencies during the year 1888.*

AS compared with 1887 there has been an increase of no less than 9,798 suits instituted in Punjab Civil Courts during the year under review, an increase most marked in suits for immovable property. Some local officers attribute it, "with apparent reason," to the recent activity of the Revenue Department which has brought to light many facts that have led to litigation. It is also held possible that the unusually large number of settlements in progress may have some connection with it. Meanwhile, we learn that Honorary Civil Judges disposed of 12,697 suits during the year, an increase of more than 2,000 on the figures of 1887.

We observe that there has been a considerable falling off in the number of Small Cause Court cases disposed of by Cantonment Courts. It is explained that, under the present orders of the Government of India, *junior* Military officers are selected as Cantonment Magistrates, and have to learn their work while they are doing it at suitors' expense.

The appellate work of District Courts presented no abnormal features. Only 21 appeals were pending for more than three months. The average duration of appeals in Divisional Courts fell from 161 to 144 days. Pending files, in the Jhelum, Hoshiarpur, Jullundur, and Amritsar Divisions are still heavy, and thus prevent a satisfactory reduction in the average duration.

There was a substantial increase of work for the disposal of the Chief Court as compared with 1887. We read that at the close of the year under review, though the number of appeals from decrees disposed of was 2,213 to 1,354 in the preceding year, the pending file amounted to no less than 2,054 cases, the total number for disposal during the year being 4,268. At the same time revisional and miscellaneous applications are stated to be increasing. The Lieutenant-Governor, however, has carefully considered the statistics which have been prepared showing the state of work in the Court during the first five months of the present year, and with every allowance for the effect of the new law of appeal, he concurs in the opinion expressed in the Report, that for the proper performance of all its duties, it will be necessary to retain five Judges permanently in the Court.

*Report of the Honorary Committee for the Management of the Zoological Gardens for the year 1888-89.*

**D**URING the year under report, the total income of the Gardens during the period, inclusive of the Government grant of Rs. 19,504, and the opening balance amounting to Rs. 1,286, was Rs. 52,737, against Rs. 45,279 in the previous year. The expenditure incurred reached the figure of Rs. 41,458, against Rs. 43,992 in 1887-88.

2. An income of Rs. 7,050 was derived from donations and subscriptions as against Rs. 1,030 in the preceding year, this large increase being due to a munificent donation of Rs. 5,000 made by the Nawab of Moorshedabad, in addition to a donation of a similar amount made by him two years ago. The entrance receipts amounted to Rs. 9,452, against Rs. 8,294 in 1887-88, and the receipts from the other sources detailed on the margin aggregated Rs. 15,234 against Rs. 7,684 in the previous year.

The number of visitors who entered the Gardens by paying one anna was 108,301, and that of visitors entering by paying eight annas 1,252, while the number of those who visited the Gardens by paying Re. 1 was 2,020, giving a grand total of 111,573 visitors during the year 1888-89, against a grand total of 108,041 visitors in the previous year.

We are glad to find that a large number of children under eight years of age were admitted free of charge, the best

	Rs.
Rents ...	2,356
Carriage and horses ..	530
Boats and palkies ...	549
Sale of animals ...	8,643
Fête and fancy fair receipts	2,884
Miscellaneous..	267
Total ...	15,234



*raison d'être* for such an institution. But why draw the age line at 8?

A lying-in den has been provided for the lioness. The Committee report that the most interesting event that has ever happened in the annals of the Gardens since their foundation occurred during the year, in the birth of a young Rhinoceros.

*Review of the Management of Estates in the Court of Wards, or under the 'Talúqdars' Relief Act, in Oudh, for the year ending 30th September 1888.*

WHEN the Encumbered Estates Act for Ireland became law half a century ago, a dispossessed and much chagrined Irish squirearchy—living more or less at its ease on prestige, writs, post-obits, and similar remembrancers of by-gone glories—by no means approved of the new legislation that reduced them to the level of ordinary citizens, amenable to debtor and creditor accounts. Following a similar train of thought, the Talukdars of Oudh no more approve of the Relief Act that has been made law for their special case, than did these Milesians squires fifty years ago. Their story, such as it is at present, is methodically recorded in the *Review of the Management of Estates, &c., &c.*, for the year ending 30th September 1888.

We glean from a Secretariat review of last year's doings in connection with the N.-W. P. Encumbered Estates, that out of a current rental demand of Rs. 17,82,410 rupees, ninety-seven per cent., with a qualifying duodecimal fraction, were collected. That result is satisfactory enough from a business point of view, although it ought to be connoted in this regard, that collections of arrears were indifferent in Fyzabad. "Progress," however, is said to have been made in the adjustment of the involved accounts of estates situate in Kherî and Rae Bar Bareli, where the districts residuum of balances of arrears was "large," and has been allowed to accrue. Prompt action is therefore recommended as a remedy.

The total expenditure on education amounted last year to Rs. 11,888.

*Annual Report of the Royal Botanic Garden for the year 1888-89.*

WE welcome cordially the hundred and second annual Report on the working and adornment of the Royal Botanic Garden during the year 1888-89. The most important work which was completed during the year was the Palm-House, which we noticed in our October number: an octagon

iron structure, with a central dome, each side 85 feet in length, diameter of the whole 210 feet, and the continuation of the riverside road from Shalimar Point to the Garden

The Garden's collection of dried plants has been considerably added to during the year under review, thanks to some extent to the pacification of Upper Burma, the zeal of Mr. S. Peal in exploiting the Naga Hills from vegetables, and Mr. Talbot's endeavours in the forests of Canara. From Kew were received some Griffithian, a few Wallachian specimens, some Burmese, and a large quantity of miscellaneous and cryptogamic plants. Mr. Curtis of the Straits Settlements Forest Department contributed a set of the dipterocarps of Penang. Calcutta was indebted to Kew not only for Burmese plants, but for several valuable books and pamphlets presented by Sir Joseph Hooker and Mr. W. J. Thistleton Dyer, FRS.

Apropos of the Lloyd Botanic Garden at Darjeeling, we are told that the curator, Mr. Kennedy, has been very energetic in tree planting in the station: a work of no small importance, for Darjeeling is at present one of the barest of the Himalayan stations, and, viewed from a distance, offers a sorry contrast to its superb surroundings. there being little to be seen within municipal limits, except corrugated iron sheeting and scrub jungle.

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*Annual Report on the Police Administration of the Town of Calcutta and its Suburbs for the year 1888.*

**I**N his Report on the Police Administration in the Town of Calcutta and its suburbs for the year 1888, we find Mr. Lambert writing:—

Under the Police Act the increase of prosecutions was (a) for disorderly and riotous behaviour in the streets, (b) for offences against public decency (c) for obstructions caused by carts and hackney carriages. These last are far the most frequent. The number of hackney carriages is 2,318, and of registered carts 17,936. In the business centre of the northern quarter of the town, the police are in perpetual conflict with drivers and owners of bullock carts, and, notwithstanding prosecutions, complaints of obstructions are constantly made by merchants and residents. Also under this Act 2,930 persons were convicted for driving without lights and for driving on the wrong side of the road, and 666 persons for bathing in prohibited tanks and at stand posts, generally at the instance of the Municipal authorities. Out of 23,266 persons arrested under the Police Act (street offences), 22,624 were convicted. I regard this large increase in the number of arrests as a matter for regret, and I should be glad if the police could be brought less into contact with a class of persons, who only cause inconvenience, and do not commit crime. To the police themselves the duty of constantly appearing in Court as prosecutors in these cases is very irksome, and has to be undertaken during hours which would otherwise be devoted to rest; and so, when I see that, day after day, the same classes of offences are constantly occurring in the same



locality, it seems a question, whether some increased severity on the part of the Courts would not sensibly diminish these public nuisances, and thereby render police interference less necessary.

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*Report on the Administration of the Salt Department  
for the year 1888-89.*

We are glad to learn from a Report on the Administration of the Salt Department for the official year 1888-89, that the policy which had nearly snuffed it out of existence by Lord Ripon's Government, has not been allowed to prejudicially affect this source of revenue, the incidence of which is unfelt.

The results of the year under review, as compared with the previous year, show an increase of Rs. 41,46,749, or 21·8 per cent. in the receipts, and of Rs. 33,224, or 14·1 per cent. in the charges. There was an increase under all the heads of receipts except "Excise duty on salt," which shows a falling off of Rs. 60,767, or 15·8 per cent. The advance in import duty is due chiefly to the increased rate, which was raised from Rs. 2 to Rs. 2-8 per maund with effect from the 19th January 1888, in which both the ports of Calcutta and Chittagong shared. The increase in the charges is principally caused by larger refunds of Customs duty on salt.

The measures which have been taken during the year for introducing the new patent scales which have been invented by Mr. Kilby, the Superintendent of the Sulkah Salt Golahs, for the weighment of salt from shipboard, have not been touched upon, but it is confidently expected that the adoption of these scales will result in a considerable saving to Government in the annual expenditure now incurred in weighing salt under the old system, and afford at the same time a very great convenience to shippers and others engaged in the salt trade.

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*Administration Report on the Jails of Bengal for the year 1888.*

DR. Lethbridge, Mr. Larymore, and Dr. Purves successively had charge of the office of Inspector-General of Jails, Bengal, 1888. Dr. Purves took over charge in November, and is the writer of the departmental Administration Report for the whole year.

We are glad to note that a more liberal scale of diet has been introduced in Jail Hospitals. The average period of detention in jail of under-trial prisoners fell from 17·75 in 1887 to 16·14 in 1888. There must be a larger fall than that, however, before the figures can be pronounced satisfactory. It appears that, during the last twelve years, Rs. 2,46,235 have, on an average, been provided yearly for building new jails, and

improving old buildings, "and it now only remains to build a few more subsidiary jails to complete the substitution of permanent buildings for the thatched sheds which formerly served, in many cases, as jails." The proximity to Darjeeling of the independent States of Nepal, Bhutan, and Sikkim, has rendered it unsafe to incarcerate hillmen with long sentences there any longer; they were, therefore, transferred to the Presidency Jail where unfortunately they fell ill. It is hoped that the climate of one of the Behar Central Jails will agree with them better. Although the most marked feature of the year's sanitation was increased mortality from cholera, the death rate from dysentery and diarrhoea rose from 12·6 to 15·5. Remittent and continued fevers were also more in evidence. Effective jail sanitation is still, alas, an unsolved problem.

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*Report on the Jails of the Punjab for the year 1888.*

THE number of convicts admitted during the year, excluding transfers, was 21,451 as against 22,470 in 1887—a decrease of 1,019, but an increase on 1886, when the admissions were only 18,674. On the other hand, the average number of *convicts* rose from 10,436 in 1887 to 12,024 in the year under review—an increase of 15·5 per cent; while the average daily jail population rose from 11,626 to 13,054, an increase of 12 per cent.

This great increase in the average as compared with 1887 is partly due to the number of prisoners who were discharged or whose sentences were remitted during the former year on account of the Jubilee.

Financial considerations, we learn, have hitherto prevented the Government from carrying out a scheme to provide a reformatory for juvenile offenders, but something has been done in this way, by the construction of 50 cells and a workshop, for the isolation of juvenile offenders near the Lahore Central Jail, and 50 more cells will be provided this year if funds are available.

The result of the instruction given to the convicts in the Punjab Jails is described as somewhat poor. But, with the good sense that always distinguishes him, the Lieutenant-Governor is not disposed to favour giving juvenile prisoners education other than of the simplest kind. India has already too many eleemosynary educational institutions—too many *keranees*, but too few artificers.

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*Report on the Cawnpore Experimental Station for the Kharif and Rabi seasons, 1888-89.*

CONTINUOUS and excessive rains in July and August ruined the Kharif crops, and spoilt experiments undertaken with a view to a comparison of the yield of different varieties of cotton. Nor was this perverse season propitious to millet and other rain crops, 17 plots of which were sown. The rabi season's experiments were chiefly restricted to wheat, the average outturn of which per acre was 13 instead of 16 maunds. Abnormal rain in February and March ruined all prospect of achieving this. The result of model farm experiment is said to show that deep ploughing is advantageous. Nevertheless, we are apprehensive that all the model farms ever imagined will never induce Indian agriculturists to believe this. Our personal experience in Behar certainly does not lead us to belief in the efficacies of deep ploughing. Besides, deep ploughing would involve the use of a very much stronger and better breed of cattle than 99 out of 100 ryots could possibly afford to keep. Of what *practical* use then are elaborate experiments in deep ploughing? Again, we are told that wollen refuse is the best fertilizer for maize. Granted; but what is the good of tantalizing Hurry, Gope, and Shaik Ibrahim with unattainabilities? Yet, again, what is the use of experimenting with expensive scientific manures, whilst the Indian agriculturist is so miserably poor that he is obliged to use cow-dung, the Nature ordained fertilizer of his jote, as fuel?

*Report on the Financial Results of the Income Tax Administration in the Lower Provinces for the year 1888-89.*

THE total demand for the year was Rs. 42,41,806 as compared with Rs. 38,08,762 in 1887-88, and the net revenue shows an increase of about 5 per cent. against one of about 7 per cent. in the previous year.

In every division there was an increase in the demand, except Patna and Orissa, which suffered from scarcity. The increase ranges from 17·4 per cent. in Calcutta to '03 per cent. in Durbhunga. The considerable increase in Calcutta is principally due to the re-assessment of some Marwari traders, who had been for some time past under-assessed, and to the detection of fraudulent evasions of the law, carried on with the collusion of an assessor who has been since dismissed. It is also explained that the assessment of European mercantile firms, companies, &c., has increased. In six districts the entire demand was collected within the financial year, and in ten others, before the 30th June last.

In Calcutta there has been a marked improvement, not only in the final demand of the tax, but also in the collections, which were about two lakhs and a half over those of the previous year. The decrease in the number of processes issued

also shows that the tax was realized with less friction. These results are highly creditable to Mr. Kilby, who, on the departure on furlough of Mr. G. M. Goodricke, Collector of Calcutta, was, in July 1888, placed in charge of income-tax work in Calcutta in addition to his own duties as Superintendent of the Customs Preventive Service.

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*Vaccination Charbonneuse.*

**B**ABOO N. N. Banerjee, Agricultural Officer to the Government of Bengal, has submitted a Report of his experimental and verifying work in connection with M. Pasteur's system of vaccination, and especially in connection with anthrax in India, a scourge, of the fatality of which in cavalry regiments, newspapers occasionally tell us, but as to the deadly incidence of which amongst cattle, sheep, and goats little is heard. The Baboo who has studied at Paris under M. Pasteur, is fully convinced of the efficacies of his system of prevention and cure, and has evidently done his work *con amore*. The medical profession will no doubt appreciate his eminently scientific report, and even the general reader may find in it somewhat to interest him on a subject of manifest importance. We quote the following warning :—

It must not be forgotten, however, that vaccination can only be justified where large numbers of animals are dying off. It would be most imprudent to introduce vaccine in districts where anthrax is not known to exist, or where the disease is confined only to small areas. Isolated cases do not require the introduction of such an elaborate system. If care be not taken on this score, and vaccination be introduced promiscuously, it will be found that germs of disease will be sown where they do not previously exist.

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*Report on the Financial Results of the Excise Administration  
in the Lower Provinces for the year 1888-89.*

**T**HE financial results of the working of the Excise Administration in Bengal show for 1888-89, an increase of Rs. 26,936 in receipts, and of Rs. 8,407 in charges. The population being taken at 66 millions, the total excise revenue, exclusive of the customs duty on imported liquors was at the rate of 2 annas and 7 pies per head. Settlements for the current year show a decrease of Rs. 9,83,209 as compared with 1887-88. Mr. Westmacott is doing his best to raise the duty paid on outstill liquor ; and in the Resolution now before us, it is written—

These reforms must be persisted in, although, as was anticipated, their immediate result is a considerable reduction in the excise revenue. The Lieutenant-Governor notices with satisfaction that the number and capacity of outstill<sup>s</sup> have been diminished.



Nevertheless Mr. Evans, Mr. Caine, and others of that confraternity will continue to assert that Government is doing its utmost to augment revenue at the expense of its subjects demoralization by means of liquor.

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*Inland Emigration for the year 1888.*

**C**HOLERA, and cholera prevention, is the key note of Dr. Comins' *Report on Inland Emigration* for 1888. Para 7 is unpleasantly suggestive of want of proper supervision. It runs :—

In July 1888 the necessity for the disinfection of railway carriages used by coolies was brought to the notice of the Railway authorities.

Disinfection of coolies carrying railway carriages.

In August 1888 the insanitary state of the coolie depôts at Raneegunge having been brought to the notice of Government, an enquiry was ordered, and Dr. Gregg reported the sanitary arrangements of some 20 to 25 depôts belonging to known persons, and those of many private depôts to be very defective, and the necessity for bringing all depôts, including those for free labourers, under sanitary protection to be urgent.

Insanitary state of coolie depôts at Raneegunge.

No doubt we do more in the way of sanitation than our forefathers did, but it is as well to be reminded now and then, how much we leave undone.

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*Annual Report on the Government Cinchona Plantation and Factory in Bengal for the year 1888-89.*

**T**HIS is an exemplary Report and worthy of high commendation, for it demonstrates to the public that even an officially administered quasi commercial undertaking may be made to justify itself by the radical standard of dividend on capital invested—if only the proper officials, the right men in the right place, are entrusted with its management.

The crop harvested during the year under report was the largest ever taken ; and Dr. King and Mr. Gammie are able to show, as a result of their operations, a net profit of Rs. 27,843-15-9, in spite of adverse meteorologic changes, and in spite of the extraordinary depreciation of quinine induced by the development of cinchona cultivation in Ceylon.

Specialists and other folk interested in the subject, will find in an appendix to this report, a memorandum by Mr. C. H. Wood on the fusel oil process of manufacturing quinine.

*Report on the Legal Affairs of the Bengal Government for the year 1888-89.*

OUT of eight appeal cases before the Privy Council in 1888-89, only two were decided, the decision in both cases going against Government. As to the results of civil litigation in Bengal, the Legal Remembrancer explains that the low percentage of cases decided in favour of Government is due to the fact, that in 99 land acquisition cases, the Collector's offer was slightly varied by the Judges to whom the cases were referred, under section 15 of the Land Acquisition Act, and consequently these cases appear as decided against the Government. But "this explanation is not altogether supported by the actual facts."

By way of compensation for miscarriages elsewhere, Government was remarkably successful in the High Court, every case having been decided in its favour; not one withdrawn, compromised, or remanded.

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*Report of the Archæological Survey of India. The Sharqi Architecture of Jaunpur: with notes on Zafarabad, Sahet-Mahet and other places in the N.-W. Provinces and Oudh.* By A. Führer, PH.D., of the Archæological Survey, N.-W. Provinces and Oudh. With drawings and architectural descriptions by ED. W. Smith, Architectural Assistant. Edited by Jas. Burgess, LL.D., C.I.E., Director-General of the Archæological Survey of India. Calcutta—Thacker, Spink & Co. Bombay—Thacker & Co., Ltd. London—Trübner & Co. and W. H. Allen & Co. 1889.

THE work before us is a painstaking record of the outcome of much research into a very interesting archæological garret, and is worthier of perusal than any comments we can offer, as readers of the *Calcutta Review* would doubtless find if they have a *penchant* for such literature.

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*Annual Report on Emigration from the Port of Calcutta to British and Foreign Colonies, 1888.*

EMIGRATION from the Port of Calcutta does not proceed at even a fractional part of the rate it ought to—Hindoo child marriages, and consequent pressure on the soil considered. We are, however, glad to observe that, as was anticipated, the demand for Indian labourers has considerably increased owing to requisitions received from the Fiji, Surma and Guadeloupe Agencies, the figures showing a decided advance from 4,625 in 1887, to 7,180 for the year under review.



*Note on the Administration of the Registration Department, North-Western Provinces and Oudh, for the year ending 31st March 1889.*

A Note on the Administration of the Registration Department N.-W. P. and Oudh for the year ending March 31st, 1889, informs us that at the commencement of the year there were 345 offices open, and at its close 347. No documents were discredited by Civil Courts ; and that prosecutions instituted in connection with Registration proceedings were, in every instance, brought to light by, or by means of, Registering Officers.

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*Annual Report of the Lunatic Asylums of the Punjab for the year 1888.*

THE Government order for the analysis of the alleged causes of insanity in the Punjab asylums has resulted in showing that Indian hemp, particularly in the form of Charas, has been the most potent one.

In no case has the disease been ascribed to the use of Madak or Chandu, and those interested in the subject may get particulars from this Report.

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*Note on the Administration of the Registration Department of the Punjab and its Dependencies for the year 1888-89.*

IN the above Note we find that the total number of documents registered was 84,010 against 82,072 in 1887-88. The most noticeable feature in the returns is, the increase of registered mortgages by agriculturists.

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# CRITICAL NOTICES.

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## GENERAL LITERATURE.

*Report of the Commissioner of Education for the year 1886-87.*  
Washington : Government Printing Office, 1888.

BY far the greater number of those Government Resolutions we have had to deal with in the course of some years acquaintance with literature of that sort, commence with a reproof because the Reports which serve for their texts are not submitted punctually. It may, therefore, be a comfort to some of the present generation of officials who have been censured for dilatoriness to know, that they are not singular in their backslidings ; that even among the most go-ahead of countries, where the utmost despatch is held to be the proper conduct of life, official Reports are sometimes submitted to Government very late indeed in the day. One of these is now before us : the Report of the United States Commissioner of Education for 1886-87. In it credit is taken, inasmuch as its preparation occupied six months less time than its predecessors did ; which, "as a general rule of late years," are not ready for the printers until about a year and nine months after the period of the educational rise or fall of which they tell the story : much of the information necessarily becoming old, uninteresting and unprofitable. Wise in his generation was the English statesman who made it a point never to open his letters till they were a month old, by which time most of them had answered themselves. The application of the moral we leave to such of our readers as are possessed of thoughtful minds. Our present business, however, is to cull from the American blue book, matter such as may be supposed to interest them. We note, then, that seven States and Territories in the Union failed to send any returns for 1886-87 to the Bureau of Education at Washington. The Bureau is, however, full of resource, and reprints instead, the returns of the preceding year—except in the case of New Mexico, for which no full educational data have been received since 1880. Some school teacher (unnamed) protested, it appears, against being called upon to "lay down his life in

a struggle simply to perfect his statistics," and forthwith the author of the Report, who manipulates and "perfects" statistics, chides the offender, and refers him to departmental rules on the subject. 17 States, 7 Territories, and the district of Columbia have a compulsory school attendance law: 21 States and 2 Territories have none. "In many instances, however, the compulsory attendance law, if not actually a dead letter, is practically so." A little further on we are informed that the Report takes no account of the duration of school attendance, but only of the circumstance, that so many pupils *were on the school registers*. The italics are ours.

Column 2, Table 6 of the Report shows the number of school buildings in each State, "so far as reported," and, "in some cases where reports were lacking, the number of schools is given instead." It would appear that Ohio and Michigan are the States in which school libraries have received their greatest development, the former having 191 volumes, the latter 154 for every hundred students in average attendance. These school libraries, universal as they are, seem to us one of the greatest of American educational successes.

With regard to school teachers American Educational law ordains, that "any teacher's position may be occupied at one time by a man, and at another by a woman" Texas has the largest permanent school fund, "both present and prospective." Owing to defective returns, however, the Bureau of Education does not know the amount of its Texan investments, either in the present or the future. We note the following for the benefit of the Indian Forest Department:—

"In compliance with a request made by the Southern Forestry Congress, and in accordance with a beautiful custom that is prevailing in well nigh every State in the Union, I requested the schools of the State to observe the 22nd of February, George Washington's birth-day, as Arbor Day, by planting shade trees and shrubbery on their school-grounds, and dedicating them, with appropriate ceremonies, to the memory of those they love.

At a cost of 4,535 dollars, "as per voucher on file," the General Agent of Education in Alaska inspected the schools under his control in a schooner laden with lumber for school-houses, family furniture, and household supplies. At the Juneau school in Alaska, the first and second chiefs of the Auke tribe and their children, have been amongst the most regular attendants. The two Government schools at the capital of the territory are housed, we are told, in buildings that a thrifty farmer would not consider comfortable enough for his cattle. At Fort Wrangel things seem to be in even worse condition, as will be seen from the concluding part of the following extract: what precedes it is also worthy of attention:—

With regard to the intellectual capacity of the full and half-bloods, Miss McAvoy reports that while the half-bloods learn more easily, the full bloods master their



studies more thoroughly. That while the half-bloods are more nimble of brain, the full bloods have quite as much of it. And that the full bloods learn to speak better English than the half-bloods. She also reports the great interest her children have taken in the Child's Health Primer and the Hygiene for Young People.

The school has been kept in a room in the old hospital. The roof leaks, the water pours in around the windows, and the floor of the front porch has rotted away, and partly fallen in. If the school is to be kept in the same place another season, the building should be extensively repaired.

By far the largest school attendance in Alaska is reported from the Elliott F. Shephard Industrial Building—an average of 100 pupils, boys and girls. It is matter for surprise that there are not more of them, for the whole of them are fed, clothed, lodged, and taught gratis. We note that the General Agent of Education in Alaska strenuously recommends the United States Government to devote one-fourth of the annual revenue of the new territory to local educational uses. Ardent educationalists are seldom practical in their views about the uses and distribution of public money. As it is Alaskans find it no easy matter to extort the wherewithal to live from niggard arctic seas and barren arctic shores. What is to become of them if "high education" is forced on them; and as generally happens in such a case, they are rendered unfitted for horny handed acquaintance with toil. Under the burden of that infliction, the lot of many Bengalee Baboos is hard enough. But even those who fail to secure a Government appointment or a clerkship, live at any rate in a land where Nature is bountiful of good gifts, where houses are not absolute necessities, and clothes are supererogatory. Whereas the highly educated Alaskan will find no Government appointments, no clerkships for which he can become an *unmedwar*: no openings for trade even. To him Nature turns her iciest, least helpful, most obdurate side. A pitiless climate makes the shelter of a house, the wearing of warm clothes, the consumption of much food indispensable to his existence; while the fishing trade, the boat-making trade, whatever means of earning some sort of a livelihood there is on that arctic shore, he will find appropriated by the uneducated or the half educated—men very much better adapted to the situation, very much more practical and useful than he dare hope to be.

Under the heading *New Legislation* we discover that Colorado has provided for—

*Temperance Instructions.*—The nature of alcoholic drinks and narcotics, and special instructions as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the public schools of the State, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools by the use of text-books, designated by the Board of Directors of the respective school districts, in the hands of pupils where other branches are thus studied in said schools, and by all pupils in all said schools throughout the State.

The State of Georgia has ordained that "no teacher receiving or teaching white and colored pupils in the same school, shall be allowed any compensation at all out of the common school fund." Time has planed away the feud between Northerners and Southerners, but has not been able to surmount the difference between white and black apparently. On its own showing the Washington Bureau of Education does not get on with the Mormons any better than does the Government of the United States. Mormons decline to let their children attend gentile schools. Gentile educational authorities insist that they must submit to educational law; and they—won't. Passive resistance is sometimes efficacious. An education committee in Kansas, amongst other questions, enquired of county Superintendents, "How many school officers in your county visit their schools?" And from a careful compilation of replies to the question it would appear that out of some 8,000 of these officers, not more than 1,300 deemed it incumbent on them to discharge such a very plain duty. When asked by the aforesaid committee—"How many officers are virtually illiterate?" the gentlemen interrogated determined the average at more than one-fifth.

Kentucky's enterprise in pursuit of education is thus naively described:—

The Kentucky report of 1884-86 shows that the condition of the public schools of that State has been one of almost uninterrupted progress, and that the prospects for continued improvement are very encouraging.

The greatest drawback arises from (1) a want of interest and appreciation, which is very decidedly marked, in some counties; and (2) a lack of funds, caused in part by this want of interest, and in part by the slender resources of the people. Hence proceeds the indisposition or inability in some sections to raise local revenues to supplement the State grants, which results in turn, in the continued existence of poor, even wretched school houses and the employment of underpaid teachers. "When they [the trustees] try to employ a first-class teacher and ask the district for a tax or a subscription, they are met with the following reply from the patrons: 'I thought it was to be a free school! I paid my taxes; that is all I'm going to do. The public money pays the teacher \$20 a month; that's more than I can get working on a farm. You needn't say anything more to me. I am against the tax.' The trustee leaves in disgust; and the energetic, thorough teacher, with an ambition, is soon on his way to other more appreciative States, or to a more remunerative profession."

About the uses, and per contra, the undesirability of corporal punishment in schools, American schoolmasters and supervisors of schools hold contrary opinions. In some States rod and cane are by State law interdicted, the only permissible punishments being suspension and expulsion. The superintendent, Jersey city, N. J., considers that parents should be the responsible parties in any question of sparing the rod and spoiling the child: "no law forbids *their* use of the rod," he grimly suggests.

The American school for classical study at Athens has completed five years of the work it was set to do, and can boast



of an increase in the number of its students, and every prospect of increased usefulness. The Government of Greece is represented as taking a warm interest in the scheme. There is certainly room for much leaven of culture, sweetness, and light in the United States.

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*The Indian Church Quarterly Review.* Edited by the Rev. A. Saunders Dyer, M. A. The Oxford Mission Press, Calcutta.

TO the *Indian Church Quarterly Review* for October, a Missionary contributes an article on *Evolution in Christianity*. From his stand-point, he argues that God has so ordered his Church, that it is, as to its disposition in India, designedly built up from the lower social strata, and that divine wisdom is in this made conspicuously manifest on its utilitarian side, inasmuch as the lower castes are naturally more clever; have radically greater intellectual abilities than Brahmans have; and, broadly speaking, Brahmans are taken to represent the superior castes.

But I have seen, too, many cases of lower caste boys and young men excelling Brahmin boys in every department of knowledge even in a second generation of Christians, and so many cases of native Christians equalling and excelling Brahmans in collegiate education, being the third or fourth generation of Christians, not to believe that with education as general in the Christian community as it is now (and there is no reason to suppose it would ever be less) the intellectual power which has been latent from disuse for so many centuries would appear, and native Christians would hold their own, and more, in intellect.

The writer further holds that there is less trickery and deceit among the lower castes than among Brahmans. Mainly, it would seem, because the latter are not so "plucky" as are tribal robbers, chowkeydars, or pariah habitual consumers of strong drink. Strangely enough, no analogy in support of this argument is drawn from the history of the Goths and Scandinavians, their conquests and supremacies. Nor is reference made to the extermination of the red man in America by the white man with the aid of fire water. Or to the colonization of Australia and New Zealand on similar Missionary lines.

For our part we more than doubt whether there is standing room for much choice of differentiation in judgment as between the morality of men of the higher and the lower castes in India. In both cases it is traditional yard, foot and inch rule. Of "pluck" as an instinct, we take it that the higher castes have quite as much—and quite as little—as the lower, although possibly the ignorance of shere animalism may give some of the latter somewhat of an advantage on this score.

A Bengali layman, dealing with recent attacks on Missionary

work, opines that the social connection between the native Christian and the European Missionary is not an unmixed good. He points out that—

The poor Hindu who earns his five rupees a month never thinks of wearing a shirt or putting on shoes, but to the poor native Christian this is a *sine qua non* at least on Sundays when he fears he may find himself seated next to the European lady at Church. This solitary Missionary lady who attends the native Church purely out of a kind motive is the poor native Christian's evil genius. He would not hesitate sitting next to a Hindu princess without shoes or a shirt, but he would rather stay out of Church on Sundays if he could not afford to buy these articles of dress. Missionary work is, and must for a long time be, so intimately connected with European social life, that it is very difficult to avoid this unequal combination, which must be disadvantageous to the native Christian community, however useful the example of European Christian life may be to the native Christians in forming their character and habits.

He is also severe on the association of Christian and Hindu boys in schools, and believes that as a rule, the cleanest looking, most neatly dressed, most free from prejudice among Hindu boys, are morally the most corrupt, and that the Christian boy "finds these the most companionable, being to all appearance most like himself," the obvious moral of which would seem to be a revision of the canon that "cleanliness is next to godliness," and that being set free from prejudices, leads to moral corruption.

Mr. W. J. Bird contributes a very readable paper, entitled "Facts and Fancies about Bengal," and the Rev. C. Swynerton continues his pleasant reminiscences of Ceylon.

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*The National Review*, September, October and November 1889.  
London: W. H. Allen & Co., 13, Waterloo Place. S. W.

TO the *National Review* for September, Mr. H. G. Keene, the never idle, always readably companionable ex-Judge of Agra, contributes an article on "The Age of Reason:" a running commentary on some of the literary aspects of the great French Revolution centenary which was being celebrated in Paris while proofs of Mr. Keene's article were passing through the press. There are other readable articles in the number, but which do not press for notice. The number for October is, however, full of thought-suggestive matter. We have an article on that novel socialist menace, "The British workman" of to-day; another on the Education of the Blind and Deaf, by the Secretary to the late Royal Commission on the subject, and on that endless Tregeagle sand rope, the Currency question. Apropos of the latter, Esther Delaforce, writing about latter day Womens' Rights, sensibly chooses to write for *jean qui rit*, not *jean qui pleure*.

In any case, and under any circumstances, the possession of a vote cannot possibly affect the relations between the sexes, and it is very



ill advised to disseminate that in wishing to monopolise or share the franchise either one sex or the other has any wish to disparage each other. Man certainly is a very underrated animal; he is able of being far superior to what he is, far nobler, far better in every way, and it is woman's fault that he is not all that he should be. All the leaning here displayed towards man, however, let it be thoroughly understood, does not apply to lower animals with human form, but simply and absolutely to the ideal perfect man, with a man's body, but a true woman's mind and heart.

Anent womans' rights again, J. D. Hunting has a paper concerning the presently vexed question—Ought Women to Smoke? The conclusion arrived at is—on the whole, No. On grounds of health, No.; for “stimulant means, abstracted, not added force;” and narcotic poison acts by a system of assimilation. Its toxic influences are not “transitory as those of alcohol.” However women are held to blame, inasmuch as they encourage the habit of smoking in men; “like to see men smoke;” and it is from a selfish motive, that the husband who is permitted to smoke *ad lib* by his own fireside, will not want to go beyond that safe haven—to club-land or elsewhere—to indulge unreprieved in his pernicious habit.

It is significant of the days we live in, that Colonel Olcott gets space in the *National* for an article on the Genesis of Theosophy. In view of recent controversies on the subject of Indian Missions, we subjoin an extract worth considering:—

But granting all to be true that has been said by the Indian Bishops and Missionaries about the adverse result to their evangelizing of the spread of our ideas what is the explanation? Simply this, that we have shown the true spirit of religion; have proved the identity of Esoteric Hinduism, Zoroastrianism, and Christianity; have scientifically examined the meaning of the old Oriental myths, creeds, ceremonies and philosophies, and thus won back to the ancient cults the intellectual allegiance which had been weakened or destroyed by an exclusive contemplation of their dead-letter exotericism. At the same time the Bishops and Missionaries have continued to preach bald exoteric Christianity to men cleverer than themselves in detecting sophistry and scientific unreasonableness. The bright informing soul of the Christian doctrine they have neglected to preach, and so the result they now deplore was inevitable in the natural order of things. But for the fear of being thought uncharitable, I might strengthen my case by showing how the worldly, selfish lives of any European ecclesiastics neutralize any influence they might have had upon the “heathen” by their eloquence, scholarship, or persuasiveness. A Bishop or Missionary driving about his family in a carriage, with his coachman or *sais* in livery, and living in a fine house, with plenty of servants, is not a seductive spectacle to nations trained to connect celibacy, asceticism and poverty with the character of the religious teacher. Their Sankaras, Tookarams and Ramanujas did not play lawn tennis, but they could show men how to learn the Divine Wisdom.

In reply to Colonel Olcott's apologia for theosophy noticed above, we have a paper by Mr. Legge in the November issue,

the conclusion of which we cannot resist the temptation to extract in this place :—

It is a hundred years hence. Theosophy, like an overflowing mountain lake has broken through all limitations, and spread to the four quarters of the globe. There are no more priests, for that class, whose interests make them rebel against every work of religion, has been abolished. In their place there reigns everywhere the Theosophical Society, still hard at work upon the formation of a nucleus of a Universal Brotherhood and the investigation of the unexplained laws of Nature. And in a village of regenerate India there sits a mother, with a little child at her knee. The child's eyes widen as his mother tells him how the good Brothers went to America ; how they chose out Madame Blavatsky, and how she called to herself Colonel Olcott ; how these two, by command of the Brothers, founded a Society for the study of old religions ; how they journeyed to India, hoping only to find peace for their studies, and how, at their approach, the withering creeds of the Old World shrank and died. "But, mother," says the eager child, as she finishes her weird recital, "Where are the good Brothers now?" "Hush ! my child," the mother answers. "Our wise founders knew them, but they did not ask anyone else to believe in them."

Years pass away, and the child has become a man, a man of a sceptical and inquiring mind. He reads in the Encyclopxdia of the Society a reference to Christianity as the creed which, starting from very small beginnings, spread over half the globe, only to be crushed by the young might of a newer faith ; and, as he reads, he resolves to know more of this strange yet dead religion. At last he finds a book which gives him the teachings of Christianity, not the Christianity which seeks to make a man a better Christian through a society organized to oppose it, but Christianity such as we have it in England ; and as he scans those doctrines, few and simple as compared with the wild and fantastic dreams of Gnostic or Theosophist, as he weighs those proofs of their truth which thousands of the best and brightest intellects of the civilised world have been content to accept as sufficient, can we wonder that he mutters to himself, "This faith is less hard to believe than Theosophy?"

It is refreshing to read Mrs. Andrew Lang's trenchant exposition of the bourgeois vulgarity of Richardson's conception of virtuous morals and manners as set out in his longwinded and much belauded novels. As to the most famous of them, *Sir Charles Grandison*—

Nowadays it is as little read as the *Faire Queene*, and people would cease to talk so glibly of "Grandisonian manners," if they had any idea of the gaudy wooden things they really were, but they refer to Richardson's intention of creating a perfect man rather than to his execution. Really good manners are not always thrusting themselves on the attention, and those who possess them are apt to talk less of themselves than Richardson's model gentleman, and to dislike to live in the atmosphere of flattery which was natural to him. Richardson could not understand a man living on equal terms with his fellows. He must, in some way or other, be a Sultan, as Richardson himself was to his little female court. Had he been more a man of the world, and mixed with other men, had there been more of give and take in his life, his novels, as well as himself, would have gained immeasurably.

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*Catalogue of Hindustani printed books in the Library of the British Museum.* By J. F. Blumhardt, teacher of Bengali at the University of Oxford, and of Hindustani, Hindi and Bengali at University College, London. Printed by order of the Trustees of the British Museum. London: Sold by Longmans & Co., 39, Paternoster Row; B. Quaritch, 15, Piccadilly; A. Asher & Co., 13, Bedford Street, Covent Garden, and Trübner & Co., 57, Ludgate Hill. 1889.

WE have to thank the trustees of the British Museum for a splendid catalogue of the Hindustani printed books in their library, which is the work of Mr. J. F. Blumhardt, teacher of Hindustani, Hindi, and Bengali at University College, London, who has for several years past been engaged on similar work in the Museum Library. The catalogue comprises: (1) purely Hindustani Works; (2) translations of such works into English or other European languages; and (3) polyglott works, in which occur Hindustani translations, paraphrases, or commentaries on Arabic, Persian, or other originals. Dictionaries and grammars written in English, for English readers, have been excluded. In his preface Mr. Blumhardt writes:—

A few remarks are necessary as to the arrangement of author's names, and more particularly of Muhammadan authors. Fortunately the same difficulty does not present itself in dealing with Muhammadan names, as is met with in the case of Hindu authors, more especially of English-speaking Bengalis, who would fain assimilate their names to the English forms of Christian and surname, by adopting the caste name, or '*upādhi*' as the latter, and making the personal name, generally a compound epithet, stand for two distinct Christian names. The impossibility of adopting this system of nomenclature for cataloguing purposes has been fully dealt with in the compiler's preface to the "*Catalogue of Bengali Books*," and needs no further notice here. This unworkable expedient of Anglicizing Oriental names is happily not to be found in the case of Muhammadan authors of India. Their names usually consist of the personal name by which they are always known, to which are added the patronymic, and Nisbah, or name denoting the place of birth or residence, trade, or religious sect; as—RAHIM BEG ibn BAKIR BEG *Khairābādī* NUR AHMAD, *Chishtī*.

A Muhammadan author, therefore, if a native of India or of Persia, is entered in the Catalogue under his personal name, precisely as it occurs in the book. His patronymic and Nisbah have been added only when it has been considered necessary to do so, in order to distinguish between two or more authors of the same name, as for instance in the case of common names, such as *Ismā'il*, or Muhammad Husain, or whenever an author is well known by these names; as—'ABD al HAKK, *Dihlavi*. The patronymic has been printed in the same type as the author's name and the Nisbah is added in italics.

Poets invariably take a Takhallus, or poetical name, in addition to the forms noticed above, and are very frequently known by the takhallus alone, the personal name being lost sight of; the poet Muḥammad Rafī', for instance, being always known as Saudā. In consequence of this it has sometimes been by no means an easy task to ascertain the real name of

a poet, when his takhallus only is mentioned in the book, and that perhaps only in an incidental manner in one of the concluding verses of the poem. This difficulty is necessarily greatly enhanced when the takhallus adopted happens to be a popular one, as Fakīr.

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*A Theory of Lunar Surfacing by Glaciation.* By S. E. Peal, Member of the Liverpool Astronomical Society. With Illustrations. Calcutta: Thacker, Spink and Co., London: W. Thacker & Co., 87, Newgate Street. 1889.

WELL known as an amateur publicist, Mr. S. E. Peal, of Sibsagar, Assam, comes now before the public with a theory of "lunar surfacing by glaciation," through the medium of a pamphlet published by Messrs. Thacker, Spink & Co. There are several illustrations, and they are commendably well executed.

With reference to lunar surfacing by glaciation, Mr. Peal thinks that "instead of being a hopeless enigma from pole to pole, it seems as though future students may possibly be able to read the history of each formation in turn, or even get a glimpse beneath the surface into the past. It is to be hoped so.

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*Colburn's United Service Magazine, with which is incorporated, the Army and Navy Magazine.* For September, October and November 1889. London: W. H. Allen & Co., 13, Waterloo Place, S. W.

REEFRRING to proposals that have been lately made to raise Eurasian Regiments for service in India, *Colburn's United Service Magazine* for September suggests that the best way, indeed the only way, to avoid the difficulties and jealousies that would "attend the raising of regiments of half-castes," is simply not to raise them at all. Smart writing, perhaps, but impertinent in every sense of the word—and ungentlemanly as well as offensive. The Editor would do well to make himself acquainted with the story of 1857, and of the gallant conduct and good services of the Eurasians who fought side by side with Englishmen in that death struggle. Or going further back, let him study the life story of Skinner, of Skinner's Horse, and of many other brave and "canning" Eurasian soldier.

There is an article however in the same number well worth reading, entitled "Impressions of a Visit up the East Coast of Africa." It is by Godfrey Robinson.

In the same magazine for October, Major R. H. Fraser gives a circumstantial account of "How we prevented a Suttee in 1882;" and ends it by telling us that his tale is untrue.



"Dolly and her Pensioner" is a story pathetically sad enough, but much more to our liking.

In the number for November we have a concise scholarly account of the way in which Calais and other English possessions in France were lost to the English in Queen Mary's time. A depreciatory account of General M. D. Skobelev's military career is worth reading as a side light on history. Its author is an old comrade in arms of Skobelev's—one Vasili Vassalievitch Verestchagin, whose memoir has been translated from the Russian.

*The Indian Magazine.* September 1889. Issued by the National Indian Association in aid of Social Progress and Education in India. London: Kegan Paul, Trench & Co., Bristol: J. W. Arrowsmith.

THE *Indian Magazine* for September contains a note on social reforms in Rajputana, a sketch of an English boarding school for girls, and a readable *resumé* of a pamphlet by Mr. Dadabhai Naoroji on "The Parsees and their Religion." It concludes thus:—

I think one important reason why they occupy so large a space in the mind of the world, is that influence of their religion which imposed upon them love of God, love of truth, of charity in all its senses, and an earnest striving after doing some good as the mission of life, and which embraced their morality of life in pure thought, word and deed.

How does that accord with the revelations made in the Crawford case?

*First and Fundamental Truths, being a treatise on Metaphysics.* By James McCosh, D.D., L. L. D., Litt. D. Ex-president of Princeton College, Author of "Method of Divine Government," "Laws of Discursive Thought," "Psychology of the Cognitive Powers," "Psychology of the Motive Powers:" "Realistic Philosophy." New York, Charles Scribner's Sons. 1889.

IN the earlier years of the present century, and for many years, Dr. Thomas Cooper was President of the University of South Carolina. In that capacity he was asked to teach and preach metaphysics "having devoted much more time to that very unsatisfactory study than most men. So much so, as to be fully persuaded that it is not worth the time required to be bestowed on it." This entirely concurs with our own opinion, and we will only say, with reference to Mr. McCosh's attempt to build a temple in the air, that "if the mind does not assume and start with things, it can never reach realities by any process of reasoning or induction." Quite so, and

it is so with Mr. McCosh's book, for it grants every thing, in page upon page considers everything, and ultimately resolves for us—nothing : No “first and fundamental truths,” no new lights, nothing but disappointments, and disillusion. A philosophy of despair *may* have its uses, but we fail to discern them.

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*Reminiscences of Behar—By an Old Planter.*

THIS is a history of the past in Behar, well told and bearing evidences of the narrator's presence at the various events it describes. Looking at Behar in the present day, with its Railways and Telegraphs, it seems difficult to realize that men should now be living who took part in the life described in this very interesting little book. Yet it is not so long ago since the railway made its first appearance in North Behar. Since Hajee pore was the gate of the Northern Indigo Districts, and was the scene of many a jovial evening, either at the house of the Sub-Divisional Officer, the Opium Agent, or of one who must doubtless be known to the author of the book. For he must have visited Hajee pore if he ever left Tirhoot. The book is written in a chatty, easy tone, and to any old Behari must bring up many pleasant memories. The chase, the race meet, the Fouzdari case all find a place. In the description of the Mukhtear or attorney one can call back, say, Ram Johul Lal with his spectacles and his stutter. We expect more from the author who must have more modern Behar at his finger's ends. The history of J. B. and his negotiations with the Khan. The “mussa fir” of now, alas, pleasant *memories* only. Of the many incidents connected with the Famine. They surely are not destined to be buried in silence, whilst our author can wield a pen. We look for a further instalment of these Reminiscences. In the meantime, however, we welcome this contribution to the social history of Behar, and strongly commend it to those who wish to know what the Province was like when “All the world was young.” It would make an admirable book for boys. Full of adventure, without yarns of an unbelievable nature, it would interest any young man coming out to this country. The times, like most of the people described, have passed away. The reviewer is old enough to remember their last days, and to look back with regret (from a social point of view) to the days when the railway whistle was unheard near Shapore Murcha, and when locomotion was carried on by means of friends horses, oft times strange beasts to drive. There was some excitement in a journey then, as one never knew into what ditch you were going to be spilt. Even the excitement of a collision is denied one on the T. S. R. Trains go so slowly that they would



almost instinctively stop if a cow appeared on the rails, much less an approaching train. We cordially welcome our author, and hope for something further from his pen.

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*Anglo-India.*

THIS is a new weekly paper started in Calcutta. When we say that Mr. Furrell, once editor of the *Englishman*, is at the helm, we have said enough to ensure able editing. The first number certainly bears out the promise of the Prospectus which heralded the new journal. Well printed in every way, well got up, the paper presents an attractive appearance. Nor does the letter press fall short of the outward appearance of the journal. It is all that a weekly should be. The articles are well written, and there are lighter subjects for those who care for narrative and light reading. All the news of the week is reproduced in a readable form. The Editor tells us that the paper has been objected to as tending to breaking the Sabbath. He has sufficiently disposed of his objector, but, to our mind, one of the great merits of the paper is, that it comes in the *Mofussil* on a day when the ordinary daily paper does not arrive. We wish the new venture every success. It is a move in the right direction, to shew to the public that there is a class of the community who have rights as well as that which is always thrusting itself forward.

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ACKNOWLEDGMENTS.

- The Law of Testamentary devise as Administered in India or the Law relating to Wills in India with an Appendix.* By G. S. Henderson, M.A.
- History of Higher Education in Southern Carolina with a Sketch of the Free School System.* By William Allen and David E. Spencer.
- A Supplement to the Anglo-Indian Codes, 1887-88.* By Whitley Stokes, D. C. L.
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